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Katharina Kunovjanek

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# TABLE OF CONTENTS

<b>1. INTRODUCTION .....</b>	<b>4</b>
<b>2. THEORETICAL PART .....</b>	<b>6</b>
<b>2.1. Theoretical Approach .....</b>	<b>6</b>
2.1.1 Definition of the Term Discourse .....	6
2.1.2 Discourse Analysis .....	8
<b>2.2 Definition of Terms.....</b>	<b>11</b>
2.2.1 Migration and Immigration .....	11
2.2.2 Integration.....	14
<b>3. IMMIGRATION IN AUSTRIA AND CANADA .....</b>	<b>17</b>
<b>3.1 Immigration Policies.....</b>	<b>17</b>
<b>3.2 Canada .....</b>	<b>26</b>
3.2.1 Historical Overview .....	26
3.2.2 Immigration Regulations.....	33
<b>3.3 Austria.....</b>	<b>38</b>
3.3.1 Historical Overview .....	38
3.3.2 Immigration Regulations.....	45
<b>3.4 Conclusions .....</b>	<b>57</b>
<b>4. DISCOURSES ABOUT IMMIGRATION IN AUSTRIA AND CANADA .....</b>	<b>62</b>
<b>4.1 Nation State Concepts and National Identity .....</b>	<b>63</b>
<b>4.2 Citizenship.....</b>	<b>74</b>
<b>4.3 Multiculturalism.....</b>	<b>81</b>
<b>4.4 Conclusions .....</b>	<b>94</b>
<b>5. CONCLUDING REMARKS .....</b>	<b>98</b>
<b>BIBLIOGRAPHY .....</b>	<b>99</b>
<b>APPENDIX .....</b>	<b>105</b>

# 1. Introduction

*“Whether migration is controlled by those who send, by those who go, or by those who receive, it mirrors the world as it is at the time” (Davis 1974: 105).*

Most countries in today's world are affected by immigration or emigration and immigration is clearly one of the main subjects of the twenty-first century. Canada, the United States of America and Australia had been immigration countries all throughout their history and they accept this quite obvious, undeniable fact. However, Austria too is a country with a heavy influx of foreigners not only these days, but also in its history. Nevertheless, Austria is not (yet?) an immigration country out of self-understanding.

Canada is not only a typical immigration country. It is also often presented as a model in the field of immigration and integration. The Canadian system is seen as advanced, progressive and exemplary of how to select prospective immigrants and of how to integrate them.

Left aside that a comparison between countries is more interesting than a stand-alone national case study and that comparisons might enable to understand the national context in a more precise and systematical manner the fundamental question underlying this thesis is if Canada can be seen as an example for Austria in the field of immigration.

In this thesis a discourse-analytical approach had been chosen, which will be dealt with in the second chapter starting with definitions of the term discourse and continuing with a clarification of discourse analysis. I deemed it necessary to analyze discourses of nation-state concepts and national identity, citizenship and multiculturalism to complete the picture, give a full assessment and enable me to answer my research question. The remainder of the second chapter sets out to define the basic terms immigration and integration, since they are core terms but also the content of extensive debate.

Chapter three deals with immigration in Canada and Austria in general. However, before going into detail about the respective countries I begin with imparting a basic understanding of immigration policies including the following major factors influencing immigration policy: the historic factor (political and cultural traditions), the moral factor (the role of moral standards and fundamental values), the economic factor (the labor market, demographic development and financial aspects) as well as the social factor (acceptance and integration capacity, tensions in the receiving society, territorial distribution of immigrants). Furthermore, I will highlight some instruments and mechanisms of a comprehensive migration policy. Subsequently, I provide a detailed overview of

the history of immigration in both Canada and Austria. The remainder of this chapter concentrates on immigration regulations, namely the Canadian point system and the Austrian Residence and Settlement Act.

A valid question would be why I did not devote the entire thesis to the above mentioned discourses but spend a relatively large amount on first immigration policy in general and then on the respective immigration histories and immigration regulations. Even though it takes up some space I consider it necessary to show which historical developments prepared the ground as a precondition for understanding and for a comprehensive analysis of discourses in immigration in both countries. Furthermore it illustrates the processuality of immigration and related discourses. Without a close look on history and regulations and without providing some theoretical reflections about immigration policy the picture would never be complete and substantial information would lack when going on to have a close look on nation state concepts, national identity, citizenship and multiculturalism.

In the field of immigration a plethora of discourses are influential and can be analyzed. One could examine discourse after discourse, peel layer after layer, which would have been interesting to do. However, a diploma thesis is a project limited in time and space so after highlighting immigration definitions and concepts, historical developments of immigration in Canada and Austria and immigration regulations in both countries the fourth chapter goes on to focus on core discourses affecting immigration in both countries, namely nation state concepts and national identity, citizenship and multiculturalism. I tried to first give a more theoretical input about nation and national identity, citizenship and multiculturalism before having a closer look on reality, practice and implementation in both countries. After shedding light on all these aspects an answer to my research question if regarding immigration Canada can serve as an example of good practice for Austria will be possible.

## 2. Theoretical Part

### 2.1. Theoretical Approach

Since the theoretical foundation of this diploma thesis is a discourse analysis it is first and foremost necessary to define the concept of discourse and discourse analysis employed in this thesis, because it can include a wide array of concepts and can be used to suit different purposes in different areas of study. As this is a diploma thesis in political science I will adhere to a social scientific approach and definition of discourse and discourse analysis.

#### 2.1.1 Definition of the Term Discourse

Before dealing with the theoretical approach of this thesis I want to provide definitions of the term discourse. Discourses are “definable coherences of communication above the level of situational-singular utterances. As more or less powerful, institutionalized and regulated forms of oral and written use of language through social actors discourses constitute the societal perception of the world including available subject- and speaker-positions. They produce societal reality”.<sup>1</sup> Discourses are articulated by social actors, who reproduce, modify and transcend them. Discourses can be analyzed according to theme, organizations or specific area (for example the environmental discourse of Greenpeace, the human genetics discourse of the medicine, the public discourse about BSE).<sup>2</sup> Discourses are significant as they influence people’s actions and behavior.

According to van Dijk “the notion of discourse is essentially fuzzy, as is unfortunately also the case for such related concepts as “language“, “communication“, “interaction“, “society“ and “culture“ (van Dijk 1997: 1). It has to be emphasized that no handy definition of discourse can be provided. A discourse is not to be limited to language use or communicative interaction, but it may also or rather refer to ideas or ideologies (ibid. 4). Furthermore van Dijk takes the view that discourses play an essential role in the production, as well as in the reproduction, of prejudices and racism. “From the socialization talk of parents, children's books, and television programs to textbooks, news reports in the press, and other forms of public discourse, [...] people are engaged daily in communication about ethnic minorities and race relations. In this way, they acquire the mental models, the social knowledge, the attitudes, and the ideologies that control their action, interaction, and dialogues with- or about- minorities” (ibid. 31). Discourses are not only the use of language, but it is important to have a close look on who uses it when, how and why. People use language to express and communicate their thoughts, ideas, beliefs and views. They interact and thereby act upon each other. However a discourse does not stand for itself alone, but is “social action“,

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<sup>1</sup> <http://www.politikwissen.de/lexikon/diskurs.html> Feb 12, 2009

<sup>2</sup> Ibid.

interaction in society, embedded in a framework of understanding, communication and interaction, which are parts of wider socio-cultural structures and processes (ibid. 21). Therefore the concept of discourse can be divided into three main dimensions: language use, the communication of beliefs (cognition) and interaction in social situations (ibid. 2).

Particularly important for my task is the following: "It is this broader account of discourse in society and culture which may be seen as the culmination of discourse studies. In such a vastly complex framework we are able to go beyond the mere study of discursive sentence combinations, coherence, speech acts, conversational turns or topic change" (ibid. 21). This is crucial regarding that in this thesis I employ a very broad understanding of discourse going way above observation of language use, speech or linguistic analysis.

A discourse can be analyzed and thematically fanned out in specific threads of discourses which can then be found in various layers of discourses. A thread of a discourse is in a way a thematically extract of the cross-social discourse. The layer of discourse describes the societal place by which the discourse develops impact. The discourse thread immigration can be seen in the discourse layer of everyday-, media-, scientific- or policy discourse. However all those layers are intertwined and supply each other.<sup>3</sup>

Torring defines discourse as „[...] a differential ensemble of signifying sequences in which meaning is constantly renegotiated. We can arrive at this concept of discourse in principally two ways: through the deconstruction of the notion of totalizing structures, or through the deconstruction of the notion of atomized social elements" (Torring 1999: 85). Furthermore according to Seifert discourses denominate what a society is speaking about, what is negotiated as current major problem and issue and what contributes to the collective production of meaning (Seifert 1992: 270). Discourses are "more or less successful attempts to stabilize at least for some time the attributions of meaning and adjustments of sense and thereby institutionalize a collectively binding knowledge order in a social ensemble" (Keller 2004: 7).

Following Foucault discourses are stocked with power and hence determining society. The discourse is seen as a societal force and one moving society. The acquisition and analysis of discourses of immigration allow inferences about the structures of power, which are conditioning our societies (Foucault 1991). Public discourse is always also a medium of social conflict and symbolic struggles and discursive opportunities as well as constraints have to be taken into account. For example the legitimating discourses about citizenship, cultural notions of belonging and national identity determine which points of view about the relationship between immigrants and

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<sup>3</sup> Jäger 1991, 1993, 1996, 1999 in <http://www.diss-duisburg.de/Internetbibliothek/Artikel/Einwanderung%20und%20Integration.htm> Mar 10, 2009

the state as well as the host society are perceived to be more sensible, realistic and legitimate (Koopmans 2005: 234). Discourses also influence the likelihood of repression and facilitation from the side of power holders. Discursive opportunities determine which collective identities and substantive demands have a high chance to gain visibility in the mass media, to resonate with the claims of other collective actors and to achieve legitimacy in the public discourse. Due to cross-nationally diverging discourses related to citizenship and national identity the same type of claim (e.g. group rights, demand for recognition of cultural difference) has different chances in regard to get media attention (visibility), provoke reactions by other actors (resonance) and win public legitimacy (ibid. 19).

### **2.1.2 Discourse Analysis**

Discourse analysis is a collective term, which describes a multitude of research approaches and their respective perspectives (Keller 2004: 20). It is applied in (socio-) linguistics, sociology, historiography, social psychology and literary studies amongst others. Discourse analyses can pay attention to various fields on different levels like texts, spoken words, phrases, the use of language, certain dialogues but also can take a macro perspective like the analysis of general-public or special discourses for the societal construction of reality. There is no specific method on how to conduct a discourse analysis. Discourse analyses refer to content and are methodologically heterogeneous, comprising a broad spectrum of possible ways of analyses (Keller 1997: 310-313). According to van Dijk the fundamental principles of a discourse analysis are “talk and text“, contexts, discourse as talk and as social practice of their members, member's categories, sequentiality, constructivity, levels and dimensions, meaning and function, rules, strategies and social cognition (van Dijk 1997: 31).

This “[...] social science discourse research is interested in statements, practices and dispositives as manifestations of the structured processing of contingent societal stock of knowledge in discourses. It examines the processes of the social construction and communication of symbolic systems in institutional fields of society [...]” (Keller 2004: 65). Likewise social scientific discourse research is an activity of the (re-) production of systems of meaning and knowledge orders wherein social actors, rules and resources as well as their consequences in the social collectives are integrated (ibid. 7).

The discourse analysis examines discourses with regard to the practices and regulatory structures of its articulation, its symbolic, semantic and cognitive structuring, its speaker groups, as well as its equipment of resources, its societal presuppositions and effects. The social- and respectively political scientific discourse analysis deals with the study of processes of the social construction and structure, the legitimization and communication of meaning, of interpretation and explanation



and structures of activities on the level of institutional fields, of organizations respectively social actors, the formal and contentwise structuring of processes, as well as its societal effects.<sup>4</sup>

Special and general public discourses can be examined through several possible discourse analytical questions:

- how they accrued
- which changes occurred over time
- to which subject area and to which audience they refer to
- which manifest and/or latent contents (cognitive schemes of perception, moral and aesthetic schemes of evaluation of “circumstances”) they transport
- which (rhetoric) means are adopted to reach this purpose
- which material practices are used
- which are the supporters
- in which relation they are with other (concurring) contemporary or historic discourses
- how successful they are, that is which public perception they have (Keller 1997: 318-319).

A discourse analysis starts with the definition of the discourses to analyze. This can be either thematic (public discourse about abortion), according to discipline (the medical discourse) or actor-specific (the discourse of the industry). The next step is the specification of the question with which the discourses are analyzed (ibid. 326).

The reasons why I have chosen a discourse analysis in this thesis are various. Immigration policy and regulations are shaped by discourses. Discourses not only constitute socio-cultural practices and are constituted by them but also policy approaches are linked to discourses, which is particularly important in the field of immigration. However, also institutional changes may have consequences for the structure of public discourse.

The focus of this thesis is to assess if Canada could regarding to immigration function as an example of good practice for Austria. To examine and analyze existing core discourses and discursive areas, namely nation state concepts and national identity, citizenship and multiculturalism, which influence immigration in Austria and Canada offers good ground for this

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<sup>4</sup> <http://www.politikwissen.de/lexikon/diskurs.html> Feb 12, 2009

endeavor and a possibility on which understandings could be build.

These discourses in Canada and Austria not only illustrate the differences between the two immigration systems but also explain why these differences exist, which is a precondition for assessing what Austria could possibly learn from Canada and change in its current approach to immigration.

However, discourses in societies are virtually endless and are located on different levels (political, societal, public, scientific, legal...), which makes it hard to separate them from each other. The three chosen core discourses are highly complex, include wide subject areas and offer an abundance of possible view points and layers. This makes it difficult to define, extract and write about them and certain vagueness is intrinsic to this topic. Not to mention immigration there is also not “the” discourse about nation-state, national identity, citizenship or multiculturalism. Each discourse has a variety of layers and immigrants are affected by different layers and discursive areas in a society. Furthermore, as can be seen throughout this work, discourses are always changing and meaning is constantly renegotiated.

Further, within the scope of this thesis I do not conduct a text-based discourse analysis even though it might have been worthwhile to accomplish a deep analysis of sources; e.g. texts of parliamentary debates, media resources or others. Even though the discourse analysis laid the foundation and I have tried to make the most of the discursive approach this thesis might be more a work on discourse than a discourse analytical work.

## 2.2 Definition of Terms

The remainder of this chapter sets out to define the basic terms (im)migration and integration. Over the past decade both terms have been the topic of extensive debate in politics, media, society and social sciences and, depending on the society and state, are more or less contentious issues. Since the use of both terms sometimes appears to be inflationary and unprecise, a clear definition seems to be even more important.

### 2.2.1 Migration and Immigration

According to the definition of the United Nations anybody who moves to another country for at least three months is considered to be a migrant, unless this movement is both for less than a year and for certain purposes, e.g. recreation, holiday, visits to friends and relatives, business, medical treatment or religious pilgrimage. The United Nations also differentiate between short-term migrants (movements between three and twelve months, subject to the above-mentioned qualification) and long-term migrants (anybody moving to another country for more than a year) (United Nations 1998: 18).

Fassmann distinguishes five types of immigrants being in and coming to Europe, each of these having their own relevance in various countries: colonial and post colonial migrants, ethnic migrants (migrants of the same ethnic background), migrant laborers with their dependants, refugee migration and other migrants (Fassmann 1996: 46). Another distinction can be made between foreigners and immigrants. In the traditional immigration countries (e.g. Australia, Canada, New Zealand, USA) immigrants are characterized by their respective place of birth ("foreign-born"), while most European countries including Germany and Switzerland, refer to the nationality criterion ("foreigners") (OECD 2004: 26).

Some basic distinctions concerning migration are:

1. Aspects of Space: Migration can be an internal/interregional migration or an international/external migration. This can be a continental or intercontinental movement. Generally migration comprises the crossing of state borders and it involves a shift in territorial residence.
2. Aspects of Time: Migration can have a limited/temporary (seasonal worker) or a permanent character (immigration, settlement). We may also distinguish between circular (the migrants want to return to their native countries after some time) and linear migration (the migration is intended to be permanent immigration).

3. Decisions and Reasons for Migration: Migration can be either voluntary (migration out of purposes to work) or forced (flight migration, forced displacement). Whoever leaves his country voluntarily and out of economic reasons is considered a migrant whereas whoever leaves it involuntarily and out of political reasons is a refugee. Since force and voluntariness sometimes blend together this distinction can be seen as problematic in many respects. The reasons for migration can be very diverse and migration is often not determined by a single kind of purpose of the individual migrant. Therefore the triad of immigration, guest-worker and flight can be seen as an ideal type division (Treibel 2003: 20-22).

One model to explain migration and immigration is with forming pull- and push- factors. Pull-factors are: prospering economy, huge demand of labor (job-vacancy-hypothesis), high wage level (income-differentials-hypothesis) as well as democratic and constitutional conditions (ibid. 29-30). Push-factors are: underemployment, low wage level, stagnating economy, crisis-prone political system and ethnical or religious oppression. This model explains, in a very broad sense, how migration processes get started and gives an approximate direction and strength of migration movements. It is not able to provide detailed reasons or to predict why some migrations take place (Fassmann 1996: 46). But clearly it shows that it is an important task to improve the conditions in the migrant sending countries to reduce the migration pressure (Müller-Schneider 2000: 42).

In particular Western (welfare) states are attractive for immigrants due to their prosperity and living conditions (ibid. 16). The common cause of international migration is the desire of the immigrants to improve their economic status and in the past most of them succeeded in attaining this goal ultimately (e.g. through inter-generational mobility), if not immediately (Carmon 1996: 19). But undoubtedly migration always has, besides economical reasons, political, social and personal causes as well as outcomes and consequences. The interaction of these processes aggravates a generalized and long-term perspective (Treibel 2003: 225). Bauböck emphasizes that "The bulk of international migration follows very different patterns (1) because chain migrations develop along paths linking specific sending and receiving countries to each other; (2) because movement is subjected to a generalized regime of admission control which has become increasingly tighter rather than looser (with exemptions for privileged groups of migrants); (3) because place is of paramount importance in migration" (Bauböck 1998: 27). Another hypothesis is the migrant-stock variable. The decision to migrate depends on several factors and the destination of the migration in particular is strongly influenced by existing contacts. The personal relations of those who have already migrated and the information channels they have with those who possibly want to migrate add to the decision for migration (Treibel 2003: 30). Kinship relation networks are highly important, thereby influencing the immigration destination. This impact of ethnic networks is particularly important, as it accounts for the dynamic elements in the migration process (Liebig 2004: 5).

It can be assumed that economic-rational explanations are not sufficient to explain why some people are migrating and some others in the same socio-economic situation do not. The real situation and factors in the native country and at the destination may not be as important as how they are perceived. People tend to give preference to their familiar environment, if there is no pressure of material or social need or political persecution exerted on them or if they get in the wake of mass migration, which leads to the feeling to come short or to stay over. The individual itself feels deprived in comparison to the real or imaginary reference groups in the native country or in the targeted area (Treibel 2003: 42-44).

Even though the United States of America have the reputation of being an immigration country, and for sure are one, many European countries have long overtaken the USA in terms of their shares of foreign-born populations. Although larger countries admit larger absolute numbers of immigrants smaller countries in general have higher percentages of inflows and stocks of immigrants per head of their population (Bauböck 1998). Europe had been an emigration continent until the middle of the 20<sup>th</sup> century. Today almost all (Western) European countries developed to be de-facto immigration countries, albeit hesitantly and for the most part against their will. None of it understands itself as an immigration country in the classic sense (Cornelius 1994: 15). They are de-facto immigration countries not out of political, economical or demographic deliberations, but as a result of unplanned processes, which had hardly been noticed by the public over considerable time. Fassmann calls Europe from the second half of the 20<sup>th</sup> century onward an “immigration continent against its will” (Fassmann 1996: 9). And Lucassen states that “[...] immigration is not part and parcel of Europe’s collective memory” (Lucassen 2005: 13). Therefore it is not uncommon that residents see and treat newcomers as intruders (Carmon 1996: 22). Through these fears and withdrawal reflexes it is often disregarded that mass migration is neither a new phenomenon nor a historical exception. Since the beginning of the industrial revolution in Europe and of the European settlement colonization overseas spatial mobility is a characteristic of modern societies. There is also an increasing internationalization of Western European populations, labor markets and societies (Fassmann 1996: 14-16). Even though this diversification of immigration and globalization of origins took place in Europe (and elsewhere) the link between specific sending regions to certain countries and a concentration on several countries still exist (Münz 1997: 232). Immigration, both legal and illegal, is and is likely to continue to be a major concern for decades to come.

Depending on the numbers of migrants involved and the respective states and societies, immigration has a huge impact on the politics; policies and societies of the receiving countries. After all, immigration is not only a movement in space linked to a temporary or permanent change of residence. The individual immigrants also shift from one social system to another thereby not only moving in space but also changing their position in social space. They lead, directly or indirectly, to internal and external structural changes in both systems. So migration clearly has

effects on both, the sending and the receiving areas. The regulation and control of immigration is the crucial factor. Successful integration of migrants and their descendants into the economical, social and political life depends essentially on the impression in the countries of destination that the influx of immigrants is controlled effectively (UNHCR 1995: 222 in Müller-Schneider 2000: 40). This paragraph is a good starting point for the last part of the chapter.

### **2.2.2 Integration**

First and foremost I want to emphasize that there is no general, universally valid definition of integration. Since there is no uniform, homogenous association with the term an attempt for a definition is even more necessary. Even though integration is not of great interest in this thesis it still is quite connected with immigration.

The need to successfully integrate former immigrants is obvious. The way of how to achieve this goal is hotly debated, so the question of how to integrate, absorb or incorporate immigrants has become a major issue in most Western countries. In several states, although varying considerably, there are societal contentions about the “right” mode of immigrant integration. Wide ranging and partly extreme variations, linked to different political parties, range from assimilation to cultural pluralism (Müller-Schneider 2000: 35). Public discussions about integration tend to be short time oriented. They can be speculative and emotional, as well as socio-politically controversial and divisive. Political correctness and non-discrimination has gained substantial importance. Still emotional and non-rational behavior and rating concerning topics of integration as well as immigration can be observed.

Three models of integration can be distinguished: assimilation, melting pot and cultural pluralism. Assimilation is a process in which immigrants adopt the cultural norms and lifestyles of the host society in a way that ultimately leads to the disappearance of the newcomers as a separate group. They abandon their culture of origin in order to adapt themselves to the host society (Carmon 1996: 23). Nowadays the classic assimilation model developed by the Chicago School of Sociology in the 1920s and 1930s is obsolete through structural changes in both the nature of the immigration and the receiving societies (Lucassen 2005: 5). One-sided assimilation into the host society should not be expected, but if assimilation is wished by an individual it also should not be denied. The concept of the melting pot allows two-way cultural influences, but the final result is still a society which is culturally and ethnically homogenous (allowing religious heterogeneity). All members participate in the formation of a new nation (Carmon 1996: 24). In contradistinction to the melting pot concept cultural pluralism allows heterogeneity not only as a transitory state, but rather as a permanent phenomenon in society. It assumes that the different groups of society influence each other reciprocally. Together they create the national space in which all participants are citizens with equal rights and with which all of them identify. The goal of the integration process

was redefined as promoting civic unity while protecting ethnic diversity (ibid.). However, it should be borne in mind though that all three models take a macro viewpoint of the receiving society. They ignore the possibility that the process of immigrant integration can take different forms in different parts of the society (geographically and socially) or where it relates to different types of immigrants. They also disregard the wishes of the immigrants themselves as determinants of their integration or possible non-integration (ibid.).

According to Carmon the way to reduce societal conflict is to facilitate rapid integration of the immigrants into the receiving society, thereby defining integration as a process by which a person adapts himself to permanent settlement in a new environment (Carmon 1996: 23). Integration has to be viewed as a non-linear, long-term and hence intergenerational process. It should be seen as a process and not as a program. Integration is never a neutral process because it is embedded in power relations. Therefore its course depends on the specific configuration of various actors, including the immigrants themselves (Lucassen 2005: 19). Also, it should be emphasized that integration is normally not a one-way street. Depending on the interaction with the receiving society not only the migrants change, but the receiving society changes too. Bauböck defines integration as “a process of the mutual adaption and change of a receptive and an incorporating group” (Bauböck 2001: 14).

Integration takes place in different domains (economic, occupational, social, linguistic, identificational, cultural and political) and within these domains the speed of the process may differ. Lucassen distinguishes between “[...] structural integration, which can be measured more or less objectively by mapping social mobility, school results, housing patterns, etc., and identificational integration, which is subjective and refers to the extent to which migrants and their offspring keep on regarding themselves as primarily different and to the extent that they are viewed as primarily different by the rest of society” (Lucassen 2005: 19). The process of integration may vary considerably at different times and for different immigrant groups. The particular nature of the integration of immigrants is that they have already been socialized in another society. Through the process of immigration they face different social structures and value systems mostly at a more advanced age. It depends heavily on the (cultural, religious, occupational) background, education and value systems of the immigrants to what extent the various domains of a new society appear to be new. This can range from virtually no differences to a lot. There is no question that immigrants (like non-migrants) always integrate into the society to some extent leaving the essential questions in what domains, to what extent and at what speed this takes place (ibid.).

The experience to be a stranger in a society, to maybe stick out and attract attention because of one's physical features, because of being a visible minority, discrimination experiences with the host society, a lack of participation chances could all be part of the lack of belonging to the new country and lead to differing definitions of identity. This impedes a successful arrival in the new

environment and can lead to a retreat into the own ethnic community, a lack of participation and intermingling and to a longer duration of identification with the country of origin. Also it can lead to a redraw to own traditions, the rediscovery of own cultural roots and in extreme cases the conscious drawback from the norms and behavior of the host country (BIB Demographie Heft 105c 2004: 11). There are generational differences: the young are sometimes more assimilationist than their parents and at other times and places, more militant in seeking to assert their own cultural identity (Carmon 1996: 56). Some young people do not decide between their own background and the host society. They pick elements from both and form it to their own self-identity, which might be easier in a pluralistic society.

Immigrants in Austria as well as in Canada mainly settle in urban areas. On one hand urban areas provide a chance for individualization, not only for immigrants, but on the other hand they potentially impede integration or the approach to the majority population through the own ethnic community. The duration of the ties with the own ethnic community is crucial, e.g. if those close bonds, like in Canada, exist rather at the early stage of immigration and provide support for newcomers or if it appears to be permanent (BIB Demographie Heft 105c 2004: 14).

Legal equality, equal opportunities on a socioeconomic and political level and cultural diversity can be considered as fundamental factors of integration policy (Perchinig 2003: 9). A successful and lasting integration heavily depends on the economical, political, social, cultural and legal general conditions, which the immigrants are finding in the receiving society. This has also to be recognized on federal and provincial levels. After all policies for immigrant integration tend to reflect the history and role of immigration in the respective country. Examples are the traditional settlement countries Australia, Canada and USA, where integration is either essentially independent of the federal government like in the USA or given high priority upon the entry to the country (Canada, Australia). In most (Western) European countries national governments now try actively to assist and encourage the process of integration in its various stages and dimensions as well as the societal and political participation of immigrants. General policy instruments at the national level (e.g. education, language training and access to citizenship) play a key role in integration. Integration can be tackled through general policies which are designed for the whole population or with measures targeted at particular ethnic or immigrant groups, which can be counter-productive and a contentious issue if the non-immigrant majority population perceives them as benefiting only the immigrant group.

It needs hardly be emphasized that in regard to the whole integration issue a certain willingness to integrate, no matter how integration is defined, and respect for the majority and vice versa are necessary requirements for immigrants and the receiving societies alike.



# 3. Immigration in Austria and Canada

## 3.1 Immigration Policies

Before the focus will be on immigration in Austria and Canada the first part of this chapter pays attention to immigration policies in general. Most countries, especially countries that have to deal with immigration or with people interested in immigrating, have some sort of regulating immigration policy. Among other things these policies regulate who is eligible to immigrate on which basis and who is not or define which conditions have to be met, for example a certain occupation, an anticipated income, a job offer or whatever else may be seen as necessary.

Immigration laws and policies throughout the industrialized West have undergone substantial changes. How admission policies, political asylum and control measures are shaped has become the focus of serious public discussion. Most countries put emphasis on the non-discriminatory basis of their immigration systems.

The fact that governments have policies on all major developments affecting their countries, internal and external, seems to be self-evident. However concerning immigration this is far from obvious. Hailbronner states that if having a policy means pursuing a defined course of action with respect to a set of interrelated public issues, only a few of the industrialized countries would be able to claim having a policy on immigration living up to its name. Left aside the traditional countries of immigration like Australia, Canada and the USA, most countries still lack any longer term strategy for dealing with immigration. They rather tend to react to problems arising in this field with ad hoc measures of limited scope that can best be described as operations of temporary damage control. An efficient immigration policy, like any other successful and effective policy, needs to define its objectives in the longer term based on a comprehensive assessment of all major factors and alternatives. Therefore an effective immigration policy has to be the result of determined and comprehensive planning which needs a high degree of precise information on migration flows and their causes in the countries of origin in advance (Hailbronner 1997: 53-56).

If the necessity for an immigration policy is not acknowledged and ad hoc approaches determine the dealings with immigration this might lead to high opportunity costs. The admission of immigrants does not have to be a sacrifice of the natives for the world society. Provided that a sound and proactive immigration policy exists it can in fact benefit the native and long-established population in the receiving country as well as the migrants themselves and those left behind in the countries of origin. To reach this goal the necessary prerequisite is the transition from a more or less chaotic, reactive course of action to an actively shaped and proactive immigration policy. This policy has to be economically, politically, legally and morally legitimized, be grounded on clear policy objectives and embedded in an immigration political basic concept. It seems that the current answer in Europe consists rather in a tightening of entrance barriers, which in return leads to an

increase in applications for asylum. Those willing to migrate from third countries fall mainly in the category asylum whether or not they want to migrate out of political or economic reasons. They seek asylum because there is hardly any entrance possibility for unskilled or low-skilled labor immigrants in the relevant immigration legislations (Steineck 1994: 30-31).

A receiving country's position regarding immigration in general has a strong influence on policy formulation. From a rather schematic point of view four basic choices are available: (a) a policy of active encouragement of immigration; (b) a liberal policy; (c) a restrictive policy; and (d) a policy of more or less complete exclusion (Hailbronner 1997: 58).

These basic choices and combinations thereof are strongly influenced by the following major factors:

- The Historic Factor: Political and Cultural Traditions

All the traditional immigration countries (Australia, USA, Canada, Israel and New Zealand) have a historic tradition of immigration. They not only grew with and by immigration, they would simply not exist in their present form without immigration. Immigration has become part of their national identity. Furthermore they could acquire considerable experience in dealing with immigration problems. Even though they are used to a high degree of immigration every immigration country deals with it in a different way. The USA regards itself more as a melting pot, Canada is officially defined as a multicultural state and seen as a "cultural mosaic" and Israel declares itself as a state for Jews. It has to be emphasized that immigration may have come to be part of the national identity over time, but it had not been until the middle of the twentieth century that non-racist immigration systems have been introduced in all of the traditional immigration countries. In comparison most of the European nation states and Japan never have been countries of immigration, rather they have been countries of emigration. The relatively new challenge of massive immigration calls, up to a considerable extent, their self-identities as mono-cultural entities with national and ethnic characters into question (Hailbronner 1997: 58-59).

The traditional immigration countries substantially changed their immigration policies over time, now pursuing more restrictive policies than they did in the past. Even though they have set a range of restrictive and selective measures immigration is still perceived as a natural fact of national life shaped through an official policy on immigration. Certain immigration-linked values like multiculturalism continue to form the cultural self-understanding. Those countries tend to develop longer term strategies relating to immigration and establish liberal or restrictive rules according to their perceptions of the economic situation and the benefits certain groups of immigrants will bring to the country.

This can clearly be seen in the introduction of sophisticated admission criteria and instruments like the Canadian “point system” and the US “preference class”. Opposed to this several European countries and Japan still perceive immigration as a somewhat exceptional phenomenon and frequently feel that it is not compatible with their political and cultural identities. Even some of those countries that are already de facto immigration countries have problems with officially admitting that they are. This makes it difficult to find clear and consistent positions on central issues of immigration policy and to define an official immigration policy implementing effective measures to govern admission, control, prevention and integration (ibid. 59).

It need hardly be emphasized that the following political and cultural factors are strongly shaping the general approach to immigration:

- The Moral Factor: The Role of Moral Standards and Fundamental Values

For policymakers central questions of moral standards and fundamental values are raised in the field of immigration policy. Several questions have to be asked and answered, for example if the “national interest” should in general prevail over the interests of migrants or other more fundamental values. Policymakers who are shaping immigration policies and admission criteria draw their democratic legitimacy from their fellow citizens but are also subject to the values resulting from their democratic mandate. They have the responsibility to make central choices with regard to the definition and hierarchy of moral standards. In the process of policy formation and of finding the necessary compromises policymakers will be influenced by their own moral feelings as well as by the political culture of their countries, the ideals of its society and their expectation of finding support for certain (moral) positions among their electorates (ibid. 60).

- The Economic Factor: The Labor Market, Demographic Development and Financial Aspects

The economic factor mainly comprises three criteria of decision making:

- The Labor Market

The labor market may make it desirable for a country to attract immigrants with certain skills to compensate for specific labor shortages on the national market. To reach this objective a highly selective admission policy combining incentives and restrictions with respect to various categories of immigrants can be implemented. It should be kept in mind that economic immigrants may be willing to accept very low wage levels and thereby may distort parts of the existing labor market with a possible negative impact on native wages and

employment. Whether the effects on the labor market are more positive or more negative is a matter of the policy formation and the current labor market. Temporarily imported labor tends to become permanent as can be seen with guest-workers in Austria and Germany. If there is a high migration pressure it has to be considered that making legal labor immigration impossible (or quite hard like in Austria) can lead migrants to seek other ways of entering the country, for example by trying to get a residence permit through applying for asylum (ibid. 61).

#### - Demographic Development

Through the demographic development respectively change most Western countries have to face the prospect of dramatically shrinking and aging populations posing a threat to public budgets and social security systems. Immigration can be considered a powerful tool to meet this demographic challenge. To fully compensate for the shrinking population and the low birth rates high rates of immigration would be necessary. This would probably put national, ethnic and cultural identities under severe strain, therefore causing considerable problems of acceptance (ibid. 63). Very high numbers of immigrants are not only likely to be politically unacceptable but are also beyond the integration capacity of most societies, although of course there is no fixed limit on the potential receptiveness of a nation (Liebig 2004: 16).

It is apparent that immigration is neither the sole solution to demographic pressures in the long run nor a panacea. However selective immigration can be an instrument to deal with demographic changes, the dependency ratio, population ageing and low fertility rates. Considering a certain degree of replacement immigration might be necessary for a number of countries.

#### - Financial Aspects

Immigration is aimed to make a contribution to economic growth, but if the financial balance is positive or negative in the long run depends on many economic and political factors.

The economic impact of immigration can be seen as a social product shaped by the various institutional structures. The fact that immigrants from the same origin countries or similar backgrounds have markedly different entry-level earnings in different societies points toward characteristics intrinsic to the societies themselves as a key cause for economic success or the lack thereof. Differences in the (economic) position of immigrants within a destination society may therefore be linked to the society itself. This includes differences in the institutions of that society (e.g. labor markets, education, social welfare, immigration

policy) as well as differences related both to selection and self-selection of immigrants having particular characteristics (Reitz 1998: 3-8).

Immigration has important financial consequences for the receiving country. It is two sided: at the beginning many immigrants need at least temporary financial help and additional services but most immigrants are likely to sooner or later contribute to the national budgets and social security systems (Hailbronner 1997: 63). As long as immigrants do not exceed a certain age (hence the set age limit in Canada) they are also probable to be net contributors to the social security system and provide important positive fiscal externalities (e.g. reduction of lifetime taxes of natives). Therefore the net tax payments exceed the additional government spending caused by them. Seen from a fiscal perspective, young, highly-skilled immigrants provide the highest leverage (Liebig 2004: 18-19).

I want to give a brief side note on the topic of highly-skilled immigrants because it is quite present in the discussions about immigration policies and many countries have introduced programs that favor highly-skilled immigrants.

The term skilled means the ability to perform tasks, whereas the term qualified relates to educational attainments. It is assumed that highly-skilled persons have at least tertiary education. Nevertheless some workers performing highly-skilled tasks do not have a graduate degree. Generally abilities are difficult to measure. Therefore a good market-based way to overcome this is to use the wage as a definition for the category highly-skilled (ibid. 8).

The restructuring of the economy of the post-industrial countries creates a large demand for highly-skilled workers, especially those with the focus on natural sciences, computers, engineering and medicine. Skills shortages are labor market problems where the available and anticipated stock of people with certain qualifications, skills and professional experience does not meet the current or anticipated demand (ibid. 6). Certain drivers of skills shortages are structural changes like in the IT-sector or demographic changes, e.g. population ageing and low fertility rates. Simultaneously, out of several reasons e.g. higher education levels of the native population and locals unwilling to perform certain jobs, there too is a demand for unskilled, low-paid workers (Carmon 1996: 16). An estimation of future skills shortages and demands is not very reliable because they depend on the business cycle and industry development. Therefore predicting skills demands and shortages beyond the period of a few months is nearly impossible. Medium or long-term forecasts are prone to contain estimation errors (Liebig 2004: 7). Under a liberal immigration regime supply and demand interact to regulate de facto immigration, the actual inflow is demand-determined. Other measures than immigration are available to tackle skills shortages for example reducing the "brain waste", in other words highly-skilled immigrants being employed in jobs

which do not require the application of their skills due to qualification recognition problems or to closed segments of the labor market (ibid. 15). Additional possibilities are the qualification of the general population and the promotion of specific fields of study. If the shortages in the labor market cannot be filled with the pre-existing population immigration should be seen as a possible part of the solution and a complementary option to offset skills shortages and demographic challenges (ibid. 16).

Highly-skilled immigration can provide several positive economic effects to the host country. It increases the stock of human capital, which may have a positive impact on growth via spill-over effects. Hence highly-skilled immigrants can provide additional financial capital and transfer technology as well as know-how to the host economy. They augment the domestic labor pool and therefore are likely to have a positive effect on the tax and benefit system. Furthermore they provide human capital at no expense to the domestic education system (ibid. 18-19).

- The Social Factor: Acceptance and Integration Capacity

While formulating immigration policies governments have to take problems of immigrants' social acceptability into consideration. If there are deeply rooted problems of social acceptance they can easily undermine any policy on immigration and integration. To prevent this, governments need to take factors determining social acceptance into account. Three of them are particularly important:

Tensions in the Receiving Society: The acceptance of foreigners in a society is or can be reduced by tensions in the receiving society resulting from important social and economic changes. Hailbronner states that "Temporary adjustment problems are always likely to result in ideological debates on migration that can bear heavily on policy making." (Hailbronner 1997: 64).

The Territorial Distribution of Immigrants: The net number of immigrants entering a country has a powerful impact on public opinion, but social acceptance is more linked to the distribution of the overall number of immigrants within the receiving countries. Immigrants concentrating quite segregated in certain urban areas can cause severe problems of acceptance. Larger numbers of immigrants may be more socially accepted when they are living dispersed (ibid.).

The Integration Capacity of Immigrants: Integration may vary considerably at different times and for different immigrant groups. Not all foreign population groups are perceived in the same way. Some cultures and religions are conceived as alien, seen as semi-permanent foreign elements and "others" and are considered incapable to integrate because of

allegedly unbridgeable cultural differences. Hailbronner states that the experience has taught governments that some immigrants are more difficult to integrate into their societies than others. The social acceptance is often determined by the ethnic origins of migrants. "Whatever the reasons for reduced social acceptance in a given case- cultural, racial, and/or religious- decision making on migration policy will be influenced by experiences with the integration or assimilation capacities of migrants from different countries of origin." (ibid. 65).

Through the increasing international migration flows there is an urgent need for more comprehensive political responses to this challenge, taking a broad variety of political, economic, social, and cultural aspects into consideration. The rest of this chapter outlines options of a comprehensive political answer to immigration and the main elements, instruments and mechanisms of a comprehensive immigration policy.

As mentioned above political decisions in the field of immigration and in immigration policy are often made on an ad hoc basis in reaction to strong public feelings and with no consideration of longer-term perspectives. But to be efficient, immigration policy needs to define its objectives in the longer term based on a comprehensive assessment of all major factors and political alternatives. It must result from determined and comprehensive planning which requires a high degree of precise information on migration flows and their causes in the sending areas. It need hardly be emphasized that immigration policy must also be based on comprehensive information on the economic and social situation of the receiving country (e.g. labor market, social structures, culturally motivated and other problems of acceptance). Integrated use of these various internal and external data seems to be well developed in Australia, Canada, and the United States but less so in many European countries. There are two important tasks a comprehensive migration policy has to fulfill. First it should handle all the migration issues of a country (e.g. immigration, refugee and asylum policy) within one policy framework. Secondly it needs not only to try to control and limit the effects of international migration pressure on the own country but also combat its causes in the countries of origin. Traditional immigration policy responds to flows of migrants at their borders, but preventive measures in an international context and in the countries of origin are important for a longer-term perspective (ibid. 54-56).

Migration policy has to establish general political guidelines regarding at least four major components that might be regarded as sub-policies of a comprehensive migration policy:

Prevention Policy: The main task of this policy is trying to influence migration flows outside of the receiving countries territory. Possible courses of action are: cooperation with the countries of origin and with international organizations, conflict resolution, improving the living and working conditions of the population in their native countries. Further possibilities are creating jobs and new job opportunities, fighting poverty, (international) trade policy, contributions to stability and conflict

resolution as well as cooperation and harmonization of procedures with other receiving countries. Of course the focus should be on those population groups most likely to leave the country in search of a better life (ibid. 57, 70).

Admission Policy: The objective of admission policy is to define the various categories of immigrants, the principles governing the admission of foreigners, the number of immigrants admitted and the selection criteria employed.

Planning the number of admissions, either rigid or flexible, is the crucial factor. The USA for example has rigid, legally fixed immigration quotas whereas Australia and Canada annually review and reassess the number and composition of their immigration admissions (Wessely 1991: 36-38; 89-91). However regardless of the configuration all the (traditional) immigration countries have developed complex sets of criteria, family reunification being part of most admission policies (Hailbronner 1997: 71). While in Australia and Canada (the Canadian point system) educational skills comprising language, general and specific skills are playing an important role in most selection procedures (Steineck 1994: 179), admission criteria in most European countries is focused on family reunification and humanitarian considerations (Hailbronner 1997: 72).

For the receiving countries admission criteria is a means to structure the composition of the immigrants. A broad variety of possible criteria can be employed for this purpose, for example family links, specific skills and educational levels being among the most important, but also other instruments for the admission of migrants and foreigners, normally used in combination (e.g. duration of stay and quotas).

To regulate the duration of a stay visas are issued, potentially combined with work and residence permits. Temporary visas allow a short-term import of labor with the purpose to meet seasonal or other shortages, therefore being flexible instruments to control temporary and selective labor immigration. Quotas are set limits on the overall number of immigrants, restricting the numbers of immigrants falling into certain categories as defined by the selection criteria. They are one of the most important instruments for pursuing an effective admission policy. However it is necessary not only to establish but to effectively implement them even though several political pressure groups might disagree for example employers' associations, organized labor, political (opposition) parties etc. (ibid. 72-73). According to Wessely immigration policy planning in Canada is a positive example. The system is based on annual overall quotas which are then divided into sub-quotas for the major categories like family class, refugees, independent immigrants, assisted relatives, business relatives and retirees (Wessely 1991: 36-39).

Control Policy: Even the best admission policy will not be a success without effective measures of control. Since a (restrictive) immigration policy always creates a certain potential for illegal



immigration admission criteria, visas and quotas have necessarily to be in combination with efficient control mechanisms. Special attention has to be paid to those who enter legally, but then stay on illegally (Hailbronner 1997: 73). Adequate border controls, combat of illegal immigration, implementation of norms and procedures set in the framework of admission policy are important. The primary task is not the restriction, but the management of immigration flows according to the principles formulated in the admission policy (ibid. 57).

Integration Policy: Integration policy has to create and foster positive economic, social and cultural conditions for the integration of legally admitted immigrants which includes economic measures like facilitating access to the labor market and wider socio-political tasks. Moreover emphasis has to be put on fighting racism and xenophobia as well as informing the native population and immigrants about the social and cultural contexts of the “others” (ibid.). Clear obstacles for integration are legal uncertainties, especially with work and residence permits or with the prospects of family reunification. If the obstacles are eliminated and the guidelines are clear-cut and reliable immigrants will be more ready to fully integrate (ibid. 74).

Since there is an enormous variety of different challenges, national priorities, traditions, economic and social situations requiring different policies there is no universal design for a successful comprehensive migration policy. However there are six basic conditions for success:

1. A high level of information on migration flows and regular assessments of their consequences
2. The definition of an overall approach and strategy covering all aspects of immigration, from prevention over admission and control to integration
3. Longer-term planning
4. Effective coordination, both political and administrative, and a consistent combination of instruments and mechanisms of prevention, admission control, and integration
5. The involvement of a broad set of relevant institutions below and apart from the national government level (regional, communal, NGOs) in policy formulation and implementation
6. Comprehensive international cooperation with third countries (both countries of origin and other receiving countries) and relevant international organizations (ibid. 74-75).

It has to be admitted that meeting those conditions for success is hard, but failing to appropriately react to the challenges of migration will have repercussions.

## 3.2 Canada

In the following part of the chapter first an overview of the historical development of immigration and immigration policy will be provided and then it will be proceeded with an overlook of Canada's immigration regulations, where attention will be paid to the specific categories.

### 3.2.1 Historical Overview

Canada has always been an immigration country. Today and in history Canada is one of the countries receiving the highest numbers of immigrants (besides the USA and Australia). Apart from the first nations population everybody living in Canada, or their parents, grandparents or other ancestors had immigrated to Canada. This fact weighs heavy on the public perception of immigration. However, from the beginning of the Canadian Confederation throughout to the middle of the past century Canada pursued an exclusionist and racist immigration policy which only gradually evolved to the open, non-exclusionist and anti-discriminatory policy of today.

#### Confederation Up to 1900

Canada's Confederation came into existence in the year 1867, but it took until the 1890s that immigration at a large scale started. By this time the economic depression which lasted from 1873 to 1896 ended. The Canadian economy started to develop and was in need of (cheap) labor. In 1896 the government started a campaign to encourage immigration for the settlement of the western and prairie parts of Canada. It was assumed that massive agricultural immigration was the key to Canadian prosperity and after the development of the primary resources the industry and commerce would automatically follow. Because of the rapid industrial development and growth in sectors like manufacture, railway and mines during 1890-1919 there was a huge demand for workers. To actively encourage settlers to immigrate it had been started to advertise through pamphlets in several languages, at fairs, exhibitions, public displays, newspapers and the favored countries of origins. This was an active recruitment of potential immigrants (Knowles 2000: Chapter 2).<sup>5</sup> Although Great Britain, the USA and central/northern Europe were seen as the most favorable suppliers of immigrants attempts had been made to recruit suitable farmers and farm laborers from eastern and central Europe. Nevertheless most English Canadians took it for granted that the federal government would try to retain the British character of the country and opposition to settle the West with farmers originating from central and south-eastern Europe was widespread. Only those people who were seen capable to assimilate readily and quickly into the dominant Anglo-Saxon society had been welcomed.

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<sup>5</sup> Knowles 2000: Forging our Legacy. Since the printed book was not accessible for me I used the online text at <http://www.cic.gc.ca/EnGLish/resources/publications/legacy/index.asp> Jun 15, 2010, which is without corresponding page numbers.

## **1900 Up to World War I**

After the turn of the century the immigration policy changed its direction towards a more restrictive immigration policy approach. Two Immigration Acts are illustrating this: The first is the Immigration Act of 1906 in which a definition of an immigrant has been made. A broad range of individuals could be barred from entering Canada and the government got increased power through this act to deport certain classes of immigrants (Knowles 1997: 82). The underlying mindset was to be more selective and not just fill up the country. However British immigrants were always more than welcome (to reinforce Canada's British heritage).

The second was the Immigration Act of 1910. Through this act the Cabinet got the authority to exclude immigrants on certain grounds, e.g. belonging to a race deemed not suited to the climate or requirements of Canada. It lay within the government's power to deport individuals on the grounds of political and moral instability. The excluding or eliminating factor was huge and the powers the Cabinet obtained through the act enormous (Knowles 2000: Chapter 3). Orders-in-council were passed by the government to discourage the entry of certain categories of people. For example Asian immigrants were required to have \$200 in cash at the time of landing, all other immigrants had to have \$25 with them (Bumsted 2003: 165).

To further discourage Japanese, Asian and especially East Indian immigrants (as British subjects could not be barred from settlement otherwise) an important amendment to the Immigration Act was made which came into effect in 1908, known as the "continuous-journey regulation" which was in force until 1947. It required future immigrants to travel to Canada by direct continuous passage from their country of origin which no shipping company provided. This virtually banned immigration from Asia or East India (Knowles 2000: Chapter 3 and Richmond 1988: 98).

But even with a more restrictive immigration policy the prevailing belief, especially from the side of employers, was that a large number of immigrants were necessary for Canada's prosperity (immigrants from central and Eastern Europe as a cheap pool of labor). So despite the introduction of restrictive immigration legislation and head taxes the number of immigrants remained high (1906 200,000; 1911 300,000; 1913 record figure of 400,000). This huge influx and the accompanying transformation led to tensions. Newcomers and immigrants were expected to transform and assimilate to the English Canadian ideals. All immigrants who were admitted to Canada should be seen as capable of being assimilated into mainstream Anglo-Canadian society (Knowles 2000: Chapter 3). In 1913 Canada had a severe depression, the industrial expansion went into reverse and the unemployment figures rose dramatically.

## **From World War I to World War II**

The time from 1914 to 1945 was marked by very low, declining immigration rates, partly due to the poor state of the economy. Anti-foreign sentiment had been growing. Especially the situation for

“enemy aliens” (former citizens of Germany or Austria-Hungary) was hard (Knowles 1997: 99). In 1914 there had been a Naturalization Act extending the period of residency for a naturalization certificate from three years to five.

During the two World Wars immigration rose again, but not up to the pre-war levels. Immigration was not well received due to recession, uneven prosperity and the anti-foreign sentiment of the war years. Through the declining wartime demand unemployment rates rose which led to the discouragement of immigration. Orders-in-Council and the revised Immigration Act express a change in the immigration policy. Before WWI immigrants had been chosen by the immigration officials perceiving the contribution those immigrants are able to make to the economy. This view shifted towards that more importance was given to the future immigrant’s cultural and ideological background (Knowles 2000: Chapter 4). The war raised xenophobia and racism, which already existed before, and resulted in changes in the immigration policy. Not only the Canadian economic situation was decisive anymore, but now also considerations about the ability or will of immigrants to readily assimilate into the dominant Anglo-Canadian culture were important. Chinese, people from Asia and Eastern Europe were seen as inassimilable and hence threatening Canadian identity (Knowles 1997: 107). In 1919 the federal government barred entry to specified classes of immigrants like former enemy aliens with the help of the revised Immigration Act. A Chinese Immigration Act had been made which virtually banned Chinese immigration.

With the rise of the economy in 1923 the federal government tried to motivate British immigrants to come to Canada, but the figures never reached the level of before the war. Between 1919 and 1925 immigration to Canada was largely restricted to immigrants from Canada’s traditional source countries. Through a decline in the Canadian labor pool interest groups were lobbying for a more liberal approach to immigration. As a result most of the barriers against large-scale immigration from Europe had been removed and people from former not preferred source countries came in numbers as cheap workers. With the Great Depression in the 1930s due to the economic situation and the unemployment figures this came to a halt. During the Second World War Canada did not distinguish between refugees and immigrants therefore European refugees were subject to immigration regulations. Since anti-Semitism was widespread action had not been taken quickly. In fact even in the two years after the end of the war Canada retained its restrictive policy (Knowles 2000: Chapter 4).

### **The Post War Era**

With the end of WWII three decades of slow immigration ended and led to a sharp rise in immigration numbers. Huge increases in the industrial production due to technological growth, an attempt to reduce the dependence on European and American goods and a big demand for consumer goods brought about a need of workers. Next to economic reasons also humanitarian considerations had been important. Corresponding to various pressures the government began to lower the entrance barriers therefore allowing certain refugees and displaced persons from Europe

to immigrate. In 1947, almost two years after the end of the war, the first refugees were allowed to immigrate to Canada, amounting to almost 50000 at the end of 1948. These refugees were not a random sample, but carefully chosen because of their ethnic origin, political and ideological views as well as occupational skills. On the whole Canada still persisted on its "right to discriminate" for the protection of its Anglo-Canadian identity. Immigration clearly should not alter the character of the population. In June 1950 the government issued an Order in Council which replaced all former Orders in Council and amendments in relation to immigration. It retained the preference for British, Irish, French, and American immigrants and widened the admissible classes of immigrants with European descent. The aim was to get healthy applicants of good character with skills needed in Canada and who readily and easily could integrate. This was clearly a further liberalization of the immigration policy. At this time little general opposition to immigration could be observed (Knowles 2000: Chapter 5). A huge step was the establishment of the Department of Citizenship and Immigration in 1950. Since the topic was given priority it should not be part of a multi-function department anymore.

### **1952: A New Immigration Act**

The Immigration Act of 1952 was aimed at simplifying the administration of immigration. Moreover it defined the wide-ranging powers of the Minister of Citizenship and Immigration and his or her officials. The Governor in Council set up the criteria for the selection and admission of prospective immigrants. Factors like nationality, ethnic origin, occupation, lifestyle, perceived unsuitability to climatic factors or perceived inability to readily assimilate played a role in the admission process. Therefore it preserved the exclusive and selective nature of past regulations. Due to economic problems the immigration numbers were considerably restricted and did only rise again in 1962 (ibid.).

### **Huge Changes: 1962**

During the decade from 1947 to 1957 the immigration restrictions were gradually eased, but the general view remained that the fundamental character of the Canadian population should not be altered. The immigrants arriving in the late 1940s and 1950s were far more diverse concerning skills, training, and occupations than former ones. They contributed to the labor force, but also to the professional and skilled sector. The predominant source of immigrants was continental Europe and no longer the UK and the USA. However due to the economic boom in postwar Europe and political stability reduced immigration from the traditional source areas was the consequence. Partly on account of this in 1962 huge and important changes have taken place. With the implementation of several amendments to the Immigration Act of 1952 Canada did abolish its racist immigration policy even before the USA or Australia did so. The new regulations virtually eliminated racial discrimination as a major feature of the immigration policy and clearly led the way for future developments. National origin, color, race, etc. did not play a role anymore for the admission.

Whoever had the requisite education, skill, or other qualifications was considered suitable for admission. As categories of immigrants two classes were made: the “family class” (sponsored relatives of Canadian residents) and the “independent class” (emphasis on education and occupational skills). In the first five years European and American immigrants were allowed to sponsor a wider range of relatives, but then this was abolished. Through this act of legislation Canada dismantled its discriminatory immigration policy. The Canadian Bill of Rights in 1960 through its rejection of discrimination on the grounds of race, color, national origin, religion or sex somehow paved the way to this policy change. Due to this selecting immigrants because of race or national origin seemed inappropriate (Knowles 2000: Chapter 6).

### **1967: A New Immigration Act**

The regulations made in 1962 were included into the Immigration Act in 1967. One major development was the introduction of the point system. It was aimed to make the selection and admission of immigrants clear and transparent. There are several categories (education, employment opportunities, age) with a pass mark and points up to a maximum. In the next part of this chapter the focus will be on the point system.

In the following years the changes in the immigration policy and the introduction of the point system became literally visible. In 1966 87% of immigrants originated from Europe, in 1970 50% came from other parts of the world (Africa, Asia, Caribbean, Latin America). Public opinion went along with those changes and in 1971 another turning point came. Prime Minister Trudeau announced in a parliamentary speech the policy of “Multiculturalism within a Bilingual Framework“. This policy acknowledges and appreciates cultural and ethnic diversity in Canada and expresses that there is no single official culture in Canada. Ethnic and cultural diversity is not a distortion or impediment of Canadian identity, but its basis and foundation (ibid.)

### **1976: A New Immigration Act**

Due to these changes a new Immigration Act was needed. The Act of 1976, implemented in 1978, stayed in effect with several amendments until 2002. Earlier Immigration Acts (especially the Act of 1952) have put their focus on whom to refuse admission and the mechanisms for controlling the entry of (undesired) persons. Clear principles to govern the selection of possible immigrants were lacking. The basic question of the new Act therefore had been why Canada has immigration. The way an answer was found is significant: provinces and organizations were invited to submit briefs, studies were made and a green paper should bring discussion. After tabling it in the House of Commons in 1975 a nation-wide debate on immigration policy followed. A special Joint Senate-House of Commons Committee made 50 public hearings on the controversial paper in 21 cities across Canada. 1,400 briefs had been submitted. After reviewing the committee wrote a report and those recommendations formed the basis of the new Immigration Act. It expressed all fundamental

principles and objectives of Canadian immigration policy (demographic, economic, cultural and social goals, family reunification, refugees, non-discrimination and cooperation between all levels of government in settlement of immigrants). Categories had been made reflecting the goals for immigration: family class and assisted relatives (social), independent class (economic) and refugees (humanitarian). Annually the government has to set levels for immigration after consulting with the provinces and has to report to parliament. After the Immigration Act in 1977 a new Citizenship Act came into force, partly because the distinction in treatment between British subjects and others came under attack. It states that naturalized and native-born citizens are equally entitled to all the rights of a citizen and also subject to all duties of a citizen. Better access and equal treatment of all applicants shall be the guiding principles in the granting of Canadian citizenship (ibid.).

### **From the 1980s to the 1990s**

In 1986 major changes had been made with the introduction of the categories business class, self-employed people and entrepreneurs as well as the investor class, which comprises people who are not active in business but settle in Canada. Harsh criticism had been uttered because of the preferential treatment those immigrants receive and of the new regulation resembling of somehow selling immigrant status (Knowles 1997: 187). At the same time the possibility to work as a temporary worker for a year with the chance of an extension had been created.

Not only had the ethnic composition of Canada changed over time, but also the relation between the different categories of immigrants. For example in 1983 50% of the immigrants entered with the family class and 30% with the independent class (ibid.) Since there are no requirements for entering with the family class except for the family relation a lot of unskilled, uneducated persons entered Canada respectively people where there was no control whatsoever about their qualifications. To tackle the problem a five year immigration plan had been introduced in 1990, with the aim to reduce the ratio of the family class in favor of the independent class immigration (ibid.192). Since then the proportion of independent class immigration amounts to the half or even more of the total immigration figure.

### **Recent Developments**

In 2001 a new Immigration and Refugee Protection Act had been passed in parliament. It was necessary to make a new law because the Immigration Act from 1976 had a considerable number of amendments, was complicated and complex to administer. The government issued several studies about immigration and refugees, whose results then formed a major part of the new legislation. The new act does not only contain important changes and regulations but is the primary federal legislation to regulate immigration. It is a framework stating the guidelines and goals of

immigration.<sup>6</sup> The main objectives of the immigration policy (economic, social, humanitarian) remained similar to those in the Act of 1976, but more emphasis is put on the humanitarian factor. The new Act is in accordance with the policy of multiculturalism and the principles of equality stated in the Article 2 of the Charter of Rights and Freedoms. One important part of the new act is the support of newcomers through governmental programs and funding to facilitate integration and settlement. Two examples are the Immigrant Settlement and Adaptation Program (ISAP) which gives funding for organizations assisting immigrants with their adaptation and the Language Instruction for Newcomers to Canada (LINC) which offers language training. To improve the integration of immigrants into the Canadian labor market the Government founded the Foreign Credentials Referral Office (FCRO) in May 2007. It helps (prospective) immigrants to get informed about the foreign credential recognition process and the Canadian labor market even before they immigrate. Another aim is to increase awareness of employers about the processes for and benefits of hiring internationally trained and educated professionals but also directing these professionals to existing programs and organizations. The FCRO works with Canada's Foreign Credential Recognition (FCR) Program to improve the integration of internationally trained workers into the work force. The task of the FCR Program is to work together with the provinces, territories and partners to strengthen foreign credential assessment and the recognition of qualifications acquired in other countries.<sup>7</sup>

Changes to the Immigration and Refugee Protection Act had been made in 2008 when an Action Plan for Faster Immigration had been launched. The CIC's obligation to process every application received had been removed and the Minister of Citizenship and Integration authorized to issue instructions about which applications for federal skilled workers are eligible for processing. This is currently only the case if people have either an offer of arranged employment, had been living legally in Canada for one year as a temporary foreign worker or international student or have at least one year of work experience in one of the high-demand occupations (health, skilled trades, finance, resource extraction). This is designed to reduce the backlog of applicants in the skilled worker category and to ensure that people whose professions are in demand can come to Canada faster.<sup>8</sup> Other legislative amendments to the Immigration and Refugee Protection Act had been facilitations in the process of hiring a temporary foreign worker if a suited Canadian cannot be found. Improvements to the Provincial Nominee Program ensure that provincial nominees are processed for permanent residency with priority and the limit on how many provincial nominees the provinces are allowed to accept had been removed to ensure that regions and territories can quickly satisfy the regional economic and labor market demands. The newly introduced Canadian Experience Class considers an applicant's Canadian experience as a key selection factor. A detail

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<sup>6</sup> <http://laws.justice.gc.ca/en/l-2.5/index.html> Sep 15, 2010

<sup>7</sup> <http://www.cic.gc.ca/english/department/media/backgrounders/2007/2007-05-24.asp> and  
<http://www.cic.gc.ca/english/department/media/backgrounders/2007/2007-05-24a.asp> Oct 8, 2010

<sup>8</sup> <http://www.cic.gc.ca/english/department/media/backgrounders/2008/2008-11-28.asp>, Oct 7, 2010



on the side, but with a certain symbolic power was that the Right of Permanent Residence fee was cut down from previously \$975 to \$490 per person.<sup>9</sup> To plan immigration as effective as possible the Government of Canada has consultations with the provinces, territories, key stakeholders and other actors and afterwards announce an Annual Levels Plan for the number of immigrants admitted in each class. The immigration levels for the year 2009 had been announced in November 2008 and the numbers will be between 240,000 and 265,000 new permanent residents, which is about the same number as in 2008 and one of the highest of the past decade (156,600 immigrants in the economic category; 71,000 in the family category; 37,400 in the humanitarian category; 20,000 provincial nominees).<sup>10</sup>

### **3.2.2 Immigration Regulations**

#### **Immigrating to Canada**

There are several categories in which one can apply for immigration to Canada. These categories, the requirements and the application process are detailed on the Citizenship and Immigration Canada (CIC) homepage. It is a department created in 1994 with a wide range of functions and responsible for admitting immigrants, foreign students, visitors, temporary workers and refugees. Further it is in charge of the citizenship registration, the development and implementation of policies, programs and services in the field of immigration.

For this chapter the homepage of the CIC had been a valuable help. It provides clear, understandable and well structured information about immigration to Canada. There is substantial information about how to immigrate to Canada, who is eligible and which steps to take. There are tools provided for potential applicants to see which ranges of options are open to them and to match information about them with the immigration programs to help find suitable programs. My overall impression is that the homepage is clear, concise and offers helpful information for people interested in immigration to get orientated.

In the overall architecture of the Canadian state the province of Québec has an exceptional position, which also holds true for immigration. Through the “Canada-Québec Accord on Immigration” the Québec government has the right to establish its own immigration requirements and selection of immigrants who they perceive to adapt well to living in their province. I do not cover this and solely concentrate on the federal immigration categories.

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<sup>9</sup> <http://www.cic.gc.ca/english/departement/media/backgrounders/2008/2008-03-28.asp> Oct. 15, 2010

<sup>10</sup> <http://www.cic.gc.ca/english/resources/publications/annual-report2008/section1.asp> Oct. 7, 2010

The categories for immigration to Canada are the following<sup>11</sup>:

- Skilled Workers and Professionals

This category is aimed to encourage needed high-qualified, skilled workers and professionals to immigrate to Canada. In the selection process skilled workers are chosen as permanent residents based on their education, work experience, knowledge of one or both of the two official languages (English, French). But there is also other criteria (e.g. existing family ties, a job offer) which is aimed to help the applicant to become economically established in Canada. The assessment and the process of choosing is set through the point system (see chart below), a non-biased, neutral system of assessing a person's suitability to immigrate to Canada.

The first step is the assessment whether an application is eligible for processing. This is the case if the applicant has an offer of arranged employment or if she/he has been living legally in Canada for one year as a temporary foreign worker or an international student or if the person is a skilled worker with at least one year of experience in one of the occupations in a list of needed skilled workers and professionals. If the application is found eligible for processing there are some minimum requirements to qualify under the skilled worker category: proof of one year of continuous full-time paid work experience or the equivalent in part-time continuous employment within the last ten years, the work experience has to be Skill Type 0 (managerial occupations) or Skill Level A (professional occupations) or B (technical occupations and skilled trades) according to the National Occupational Classification List (NOC). The NOC is a classification system for jobs in Canada's economy, a standardized framework to organize work in coherent categories. It is the nationally accepted reference on occupations and classifies more than 30,000 job titles into 520 occupational group descriptions. It is a tool to determine skilled work and distinguishes between different skill levels. It provides descriptions of duties, skills, educational requirements and work settings for occupations.

After meeting these requirements the application will be processed according to the skilled workers points' grid. Another necessity is the proof to be able to support oneself and the dependants after arrival. The majority of Canada's immigrants are in the skilled workers and business immigrants' categories.

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<sup>11</sup> All information provided is based on the homepage of Citizenship and Immigration Canada  
<http://www.cic.gc.ca/english/index.asp> Mar 15, 2009

Education	Maximum 25 points
Ability in English and/or French	Maximum 24 points
Experience	Maximum 21 points
Age	Maximum 10 points
Arranged employment in Canada	Maximum 10 points
Adaptability	Maximum 10 points
<b>Total</b>	Maximum 100 points
<b>Pass mark</b>	67 points

Source CIC<sup>12</sup>, see detailed chart in Appendix 2

- Canadian Experience Class

This category is a possibility to immigrate for temporary foreign workers or students who recently graduated and worked in Canada without previously having to leave Canada. The aim is to attract and retain skilled persons who have already demonstrated their ability to successfully integrate into the Canadian labor market and society, thereby encouraging them to make a shift from temporary residence to permanent residence. It is assumed that since those people are already familiar with the Canadian society it may be easier for them to contribute to the Canadian economy.

There are certain minimum requirements necessary for the application for permanent residence under the Canadian Experience Class. Graduates from Canadian post-secondary educational institutions must have proof of one year of full-time (or equivalent) skilled work experience in Canada after their graduation (managerial, professional, technical or trade fields). They can get this work experience through applying for a Post-Graduation Work Permit, which is valid for up to three years (not longer than the student's study program) and do not restrict the type of work. Temporary foreign workers are obliged to have at least two years of full-time (or equivalent) skilled work experience in Canada. All applicants to the Canadian Experience Class have to fulfill language requirements. They have to be able to work and communicate in one or both of the official languages. Language proficiency and ability has to be proven either with an IELTS or a TEF test (or other written evidence of their abilities).

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<sup>12</sup> <http://www.cic.gc.ca/english/immigrate/skilled/apply-factors.asp> Mar 9, 2010

- Investors, Entrepreneurs and Self-Employed persons

The Business Immigration Program is seeking to attract experienced business people to Canada to support the development of the Canadian economy. Business immigrants are expected to invest, own, start or manage businesses in Canada. An applicant is only entitled to submit an application for one class, which cannot be changed after the application is submitted. The qualification criteria are differing for each of the three classes:

1. Investors

The Immigrant Investor Program wants to attract experienced business people to invest Can\$ 400,000 in Canada's economy. The applicants have to prove their business experience and a legally obtained minimum net worth of Can\$ 800,000 of which they have to make a Can\$ 400,000 investment managed by the CIC. The Canadian provinces guarantee that this investment is used for the creation of jobs and the growth of the economy. It will be returned without interest after five years and two months.

2. Entrepreneurs

The Entrepreneur Program is designed to attract experienced business people who will own and actively manage businesses in Canada, thereby creating jobs and contributing to the economy. They have to prove their business experience, bring a legally obtained minimum net worth of Can\$ 300,000 and respect the conditions for entrepreneurs after their arrival.

3. Self-Employed Persons

The Self-Employed Persons Program attracts applicants intending and able to become self-employed in Canada. These persons are required to have relevant experiences in self-employment in cultural activities, athletics or farm management or to make a significant contribution to cultural or athletic life. The assessment is based on selection criteria like experience, education, age, language abilities and adaptability.

- Provincial Nominees

To better respond to the needs of the Canadian provinces and territories the Provincial Nominee Program (PNP) had been introduced. It is targeted to attract people who have the skills, education and work experience needed to make an immediate economic contribution to the province or territory that nominates them thereby helping to satisfy the provinces immigration demands. The criteria for the provincial nomination are stated by the individual provinces and hence vary. To make an application under the PNP the applicant has to be

nominated by a Canadian province or territory. After the nomination the applicant has to file a separate application to the CIC for permanent residence which will be assessed according to the Canadian immigration regulations, but is not subject to the Federal Skilled Workers Program. However PNP applications are processed with priority to ensure that labor needs of employers in all provinces and territories are met quickly.

- **Sponsoring Your Family**

If a person is a permanent resident or a Canadian citizen he/she is entitled to sponsor his/her family and relatives in the family reunification category. It is possible to sponsor spouses, common-law partners, conjugal partners, dependent children or other eligible relatives (e.g. parents, grandparents, siblings) to become permanent residents. The person has to apply as a sponsor and certain requirements have to be met by both sponsor and relative. The sponsor is responsible for the financial support of the relative and has to prove its ability for that through fulfilling certain income requirements. Notwithstanding the sponsored person has to sign that he/she will undertake every effort to support her or himself. However it has to be certain that the relative does not need to seek financial assistance from the government. It is still possible to apply as a sponsor if the spouse, common-law or conjugal partner, or accompanying dependent children live (even if they do not possess legal status) with the applicant in Canada.

- **International Students**

Applications for international student status are given priority while processed. The aim is to attract and retain foreign students. To give students the possibility to get work experience an Off-Campus Work Permit Program has been introduced in 2006. The Post-Graduation Work Permit Program allows students to work in Canada for a limited amount of time after completing their studies. A smooth transition to permanent residency or citizenship is intended.

- **Temporary Foreign Worker Program**

This program has two purposes: First to attract specialized temporary workers and second to make the process of hiring temporary foreign workers easier, faster and less costly in case an equally qualified Canadian or temporary resident cannot be found. Efforts had been undertaken to improve this program through the extension of the maximum duration of the work permit as well as establishing temporary foreign worker offices in high-demand areas.

## 3.3 Austria

Similar to the section about Canada in this part of the third chapter first a historical overview of immigration and immigration policy will be given and then Austria's immigration regulation will be brought into focus particularly paying attention to the various settlement and residence titles.

### 3.3.1 Historical Overview

Austria has not only witnessed high levels of immigration and later on naturalization in the last decades, but looking at the geographical position and the history of Austria makes clear that in contrast to common self-conception immigration is not a new phenomenon. To the contrary, present day Austria has a long tradition and history of immigration which will be briefly outlined in the following part of the chapter.

#### Up to the Turn of the 19<sup>th</sup> Century

The turn of the 19<sup>th</sup> to the 20<sup>th</sup> century had been a time of fervent migratory movements, both immigration and emigration, in Austria. Especially Vienna can look back on a long immigration history. At the beginning of the 19<sup>th</sup> century it had been the hub and center point of the Habsburg Monarchy and got to be a mid-European melting pot. Its population has grown 1.7% to 2% annually until 1890 (Pammer 2002). The population development had been the following: at the end of the 18<sup>th</sup> century 235.000 inhabitants, in the year 1830 400.000 inhabitants, 1850 already 550.000 inhabitants, 1870 population rose to 900.000 with even reaching 1.4 Millions in 1890. The historic peak level had been in 1916 with 2.239.000 inhabitants in today's city limits. Until 1880 two thirds of the increase had been immigration and one third a birth surplus, after 1880 it turned to fifty-fifty. In the years between 1890 and 1900 alone there had been a plus of 339.000 people.<sup>13</sup>

The most important regions of origin had been Bohemia, Moravia, Galicia and Bukovina.

From critics and opponents of immigration it is frequently stated that the mass migration of the late 19<sup>th</sup> century had been above all an internal migration in the borders of the Habsburg Empire and therefore cannot be compared to the present day situation. This approach completely overlooks regulations in the "Heimatrecht" (right of domicile) then being in force, which turned people migrating from other parts of the Habsburg monarchy to some kind of foreigners similar to today's foreigners laws.

During this time Vienna might be called a melting pot against its will. Complete assimilation up to self-denial constituted the dominating general orientation and expectation towards foreigners (Fassmann 1995). The Czech speaking population was most of all affected by these assimilation expectations. How many Czechs had been living in Vienna cannot be exactly ascertained but

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<sup>13</sup> Statistik Austria:

[http://www.statistik.at/web\\_de/statistiken/bevoelkerung/bevoelkerungsstand\\_und\\_veraenderung/bevoelkerungsveraeanderung\\_nach\\_komponenten/023289.html](http://www.statistik.at/web_de/statistiken/bevoelkerung/bevoelkerungsstand_und_veraenderung/bevoelkerungsveraeanderung_nach_komponenten/023289.html) Jun. 15, 2010

estimations range between 400.000 and 600.000 persons. About 200.000 people returned to the newly founded CSR in 1919, the rest had been completely assimilated into mainstream society. New citizens in Vienna had been obliged to take an oath to “uphold the German character of the city to the best of one’s ability” (“den deutschen Charakter der Stadt nach Kräften aufrechtzuerhalten”) (Glettler 1985: 27). Assimilation did not only include adaptation to the dominant German-speaking culture but also comprised denial and repression of one’s own origins. To be lumped together with recent immigrants questioned the success of one’s own integration leading to growing hostility towards foreigners (Bauböck 2001).

### **From the Turn of the Century to the Second World War**

Following the breakup of the multiethnic and multicultural Habsburg monarchy the Austrian First Republic had been established in 1918. It has to be said that an accurate definition of immigrants as foreign-born populations can present problems if the borders and definitions of citizenship have changed. Even though in the 25 years before WWI large-scale immigration took place international migration was negligible. Virtually all of the immigrants originated from other parts of the monarchy. The collapse of the Habsburg Empire transformed these immigrants suddenly into foreign residents therefore redefining their internal migration ex post as an international one. During the inter-war period there had been a greatly reduced movement between the successor states of the monarchy which then led to much more impressive statistics of international migration. This initiated the first attempt to control the access of foreigners to the labor market through the “Inländerarbeiterschutzgesetz” (law for the protection of native workers) of 1925. Considering the common criterion that they were born outside the territory of the new Austrian republic in 1934 12% of the population qualified as immigrants (Bauböck 1998: 20-21).

Between 1938 and 1945 Austria was part of the Third Reich. During this time the official ideology had the “purity” of the Aryan race as a main goal. Whilst the time of National socialism the Holocaust and a mass exodus of Austrian Jews and other people, who had been victims of persecution due to their religious, ethnic or political characteristics, took place.

### **The Period after World War II**

After the Second World War approximately 1.4 million foreigners were living in Austria, mostly forced laborers, displaced persons and German speaking people from other countries. After 1945 for many Austria only has been a stop on their way through, but quite a number settled down permanently. Those who stayed had been important manpower in the 1950s since following World War II Austria experienced an economic boom and was short on manpower, partly due to the losses during the two World Wars (Volf in Zeitgeschichte No. 11-12 1995: 415-435). Between 1945 and 1950 about 500.000 refugees who considered themselves to be “Volksdeutsche” (ethnic Germans living abroad) from the eastern part of Europe had been naturalized (Fassmann/Münz 1995: 13–34).

After having the Allied forces stay in Austria for ten years after the war, Austria became an

independent and neutral country in 1955. Austria not only experienced immigration throughout its history, but also had been a country of emigration for a long time. Between 1870 and 1910 more than 3,5 million inhabitants of Austria-Hungary migrated overseas which makes it to one of the biggest source countries for the USA and Canada (ibid.). However, after the Second World War Austria finally made the turn from an emigration to an immigration country.

### **From an Emigration to an Immigration Country: 1950 up to the Recruitment Ban in 1974**

Emigration from Austria had not only been of importance during the Austro-Hungarian Empire and the two World Wars but also later on. In the first half of the 1950s emigration to overseas was of major importance shifting in the middle of the 1950s to work migration from Austrians to Western European countries, most importantly Switzerland and Germany. This emigration of Austrian workers to those two countries continued through the 1960s and early 1970s. It is estimated that work emigration and work immigration are equal in numbers until the early 1970s (ibid. 16f).

The constant economic growth and emigration of Austrian workers to neighboring countries with a higher income level led to a massive labor shortage at the end of the 1950s. To counteract this shortage the labor unions and the Federal Economic Chamber, both representing differing interests with regard to permission of foreign workers to the Austrian labor market, could form an agreement after long negotiations. In 1961 the so called "Raab-Olah-agreement" went into force as a basis for the systematic recruitment of foreign workers. It included the admission of a contingent of temporary foreign workers to be determined on a yearly basis (Wimmer 1986: 7). With this agreement Austria followed the examples of its neighboring countries and began to recruit workers in several states of the Mediterranean. The active recruitment phase of foreign workers began with bilateral recruitment agreements signed in 1962 with Spain, in 1964 with Turkey and in 1966 with Yugoslavia. Offices in the countries of origin recruited workers, mainly men without their families, and organized the voyage to Austria. As qualification solely bodily suitability counted since only unskilled workers or semi-skilled workers were recruited. This immigration was meant to be work migration, integration and settlement of guest workers were not part of the overall concept. The system was designed upon a rotation principle, which meant the annual replacement of work migrants which should prevent a permanent settlement in Austria. Through this lack of stabilization of residence status and the absence of free movement on the labor market the costs of integration should be kept low. Further the economic function of the employment of foreign workers as a cyclical shock absorber could be ensured (Bauböck 1995: 7). Foreign workers should return to their home countries and if necessary be replaced through new migrant workers. As a consequence of this policy between 1961 and 1974 265.000 people came to Austria, the main bulk between 1969 und 1973 (Fassmann 2003). However, the rotation principle did not prove to be suitable for employees and employers alike and a lot of guest workers settled down with their families. To satisfy the further rising demand for workers in an unbureaucratic and timesaving manner it came to a stabilization of employment relationships and the following of family members,



relatives and acquaintances at the beginning of the 1970s (Wimmer 1986: 5–32 and Fassmann 2003). This permanent settling led to a changed composition of the immigrant structure towards the presence of more women and children. In 1971 the percentage of foreign workers had been 6.1% while the percentage of them in the general population amounted to only 2.8%. In 1973 78.5% of the guest workers originated in Yugoslavia whereas only 11.8% had been Turks (Biffl, SOPEMI Report on Labor Migration. Austria 1994/1995: Chart 11-12).

It came to further immigration, remigration and shuttle migration as well as starting a family and family reunions depending on the economic situation. It has to be emphasized that immigration policy at this time was solely one part of the labor market policy and therefore a matter of the social partners, keeping parliament and the ministry of social affairs mere executors of social partners negotiation results (Fassmann 2003: 21-23).

Since the introduction of the guest-worker system put immigration in motion in the 1960s Austria has got to be, especially for the countries of recruitment, an immigration country. However already before this introduction a high number of persons with foreign citizenship or origins stayed in Austria, not only due to migratory movements at the time of the Austro-Hungarian monarchy and the First World War. After 1945 Austria got to be an important transit as well as destination country for refugees from Eastern Europe due to its geographical situation. In 1956/57 after striking down people's uprising in Hungary more than 180.000 Hungarian refugees came to Austria, where 20.000 stayed permanently. After the forced ending of the Prague Spring in summer 1968 162.000 Czechs and Slovaks came to Austria, 12.000 decided to stay permanently. And in 1981/82 after the declaration of martial law in Poland and the suppression of the Solidarność movement more than 120.000 Poles went through Austria, the majority settling down in the USA, Canada or Australia. Another 300.000 Jews migrated from the Soviet Union and Eastern Europe between 1968 to 1986 through Austria to Israel and the USA. Refugee policy and being a country of asylum got to be core principles of Austrian self understanding. Some say that Austria's asylum and refugee policy was guided by an interest of symbolic policy and a means for legitimate identity establishment (Volf 1995: 415-435).

### **Between Return and Permanent Settlement: From 1974 to 1988**

The year 1974 marked a first turning point in the Austrian immigration policy. Due to the international oil crisis, a recession and numerous Austrians who worked abroad returning home it came to tensions and an increased competition on the labor market. From political side claims were made to reduce the number of guest workers and to bring them to return. It had been tried to bring down the number of guest-workers through a recruitment stop in 1974 and to induce those already staying in the country to return home. Contrary to political intentions of the initiators the recruitment ban had an unexpected side effect: it led to a further of stabilization settlement in parts of the foreign worker population. It caused foreign workers who, depending on the labor market situation, commuted between Austria and their country of origin to stay in Austria because they

feared to lose their legal status and work, which lead to a substantial extension of duration of stay and reunion with their families. Whereas the number of foreign workers declined by 40% between 1974 and 1984, the number of the foreign population stayed constant since family reunification compensated for the remigration. This led to massive changes in the socio-demographic structure of the foreign population (Fassmann 2003: 23).

In 1975 the Federal Act on the Employment of Foreigners (Ausländerbeschäftigungsgesetz-AuslBG) entered into force. It gave Austrian citizens fundamental priority at the labor market. Foreign workers got the "Befreiungsschein" (a personal employment-independent permission to work which gives the foreign national free and unlimited access to the labor market) only after eight years of residence and employment. This and the exclusion of foreigners of certain welfare state benefits had been an effective instrument to lower the number of foreign workers (ibid.).

Between 1974 and 1988 the logic of the guest worker policy still dominated politically and legally. All measures adopted during this time were a consequent proceeding of this policy. Immigration policy solely oriented itself toward the labor market situation, but at the same time it has been ignored and overlooked that the process of permanent settlement of guest workers was already long under way (ibid. 24).

### **From the End of the Division of Europe to the Replacement of the Guest Worker System: 1989 to 1993**

Between 1989 and 1993 the foreign population in Austria rose from 387.000 persons to 690.000, which is almost a doubling. The percentage of foreign citizens in the resident population rose from 5.1% in 1989 to 8.6% in 1993, which makes an increase of almost 80% of legally staying foreigners in only four years (ibid. 25). A high proportion of these migrants came from Turkey and the former Yugoslavia. Having family and friends in Austria the embeddedness in family networks had been a high motivation for immigration, which is a typical sign of chain migration. Other causes of migration had been the fall of the Iron Curtain and especially the war in the former Yugoslavia, which led to the largest refugee movements in Europe since the Second World War, e.g. the war in Croatia in 1991 (13.000 came, the majority returned) and Bosnia and Herzegovina in 1992/93 (95.000 came, two thirds stayed). Since its geographical closeness Austria took in, mostly temporarily, large numbers of refugees. Even though there was a clear will to help there was also a strongly emotionalized political debate about immigration, the prevention of asylum abuse and faster asylum procedures. There was a heated debate about foreigners throughout the election campaign for the general election in 1990. The social partners and the ministry for social affairs reacted to the political and economical situation with a revision and an amendment of the Federal Act on the Employment of Foreigners in 1990. Improvements had been made for foreign workers living in Austria since a longer time and quotas introduced, which determined the number of residence permits (Niederlassungsbewilligungen) and set an upper limit that foreign workers are

not allowed to be more than 10% of the whole Austrian work force (which was a turning away from the principle of negotiations of the social partners on those matters). Through these changes net migration declined (ibid. 26).

Austria's situation as a de-facto country of immigration did not manifest itself in the institutional and legal sphere as well as in the awareness of the population until 1990 (ibid. 27). Hence there was a lack of political concepts for integration and immigration. Until 1991 there was a laissez-faire policy, but when shortcomings became evident higher priority was given to try to limit new immigration. At the end of the 1980s there was a public discussion about immigration policy, with the goal of a comprehensive re-structuring of immigration regulations and the stay of foreigners with the primary goal of management, control and reduction of immigration. Immigration should primarily be oriented towards the needs of the Austrian society (Fassmann 1996: 228).

In 1992 an important key turn point in immigration policy was reached, deviating from the way to deal with immigration up to that time. The regulation of immigration was based upon the law for the employment of foreigners as a central instrument of regulation from the 1970s up until the beginning of the 1990s. The social partners negotiated and agreed on certain contingents and numbers of workers for certain branches of economy (ibid. 227). In times of recession the stay of foreign workers which were not needed anymore had been terminated due to the rotation principle and the lack of security in right of residence. In 1992 a new Alien's Act and in 1993 a new Residence Act came into force. This was not only the beginning of a new immigration policy concept, but also introduced limits and quotas for immigration and hence stopped the high immigration figures of the years before. It was not only a shift from the former guest-worker system to a quota system which set the number of residence permits on a yearly basis, but moreover a development away from mere crisis management to an active and not only reactive and defensive immigration policy (ibid.). It was a change from a system which reacted quite flexibly on the needs of the labor market to a system of regulated and limited immigration (ibid. 229). It had been tried to bring immigration policy up to date and to meet current migration developments. It was also the first big reform in residence laws having basic approaches to an actual immigration policy. The focus was on the regulation and restriction of new immigration, the primacy of the immigration control shifted from the law of the employment of foreigners to the residence and settlement law and immigration authorities (ibid. 226). For example the first application now had to be filed before entering Austria, a change of purpose could not be done anymore after being in the country. These tightening of the alien laws led to reduced immigration.

#### **1994 Until Today: From Unregulated to Regulated Immigration**

From 1993 to 2001 the net immigration to Austria was 159.000, which is an immigration plus of roughly 20.000 per year (Fassmann 2003: 27). At the end of 1994 the percentage of foreign workers allowed in the whole Austrian work force was lowered from 10% to 8%. In 1995 Austria finally joined the European Union and therefore gave all citizens of EU-member countries the

freedom of movement and a legal status which is quite similar to Austrian citizens (excluding the right to vote). In 1997 there had been an Integration Act (Integrationspaket) which further limited new immigration to Austria, an Immigration Law (Fremdengesetz- FrG) and amendments to the law for the employment of foreign workers (ibid.). In the middle of the 1990s the principle “Integration vor Neuzuzug” (integration prior to new immigration) had been introduced. The goal was to further limit new immigration on one side, but secure the residence rights of people who stayed in Austria for many years also in those cases where they might face problems like unemployment (Fassmann 2007: 50). A distinction had been made between quota free immigration (e.g. students, pupils) and quota-obligatory immigration. Furthermore a humanitarian residence permit had been introduced (Fassmann 1996: 231-233).

In 2000 it came to a major turning point in immigration policy and related discourses through the coalition of the Freiheitliche Partei Österreichs and Österreichische Volkspartei. The limitation and restriction of immigration developed to be a main political claim. A government agreement gave clear priority to the integration of third country nationals legally living in Austria to new immigration. However, short term seasonal employment was enlarged (Fassmann 2003: 235). Despite the efforts to restrict immigration there was a rise in number of foreign employees from 298.000 in 1997 to 379.000 in 2004 (Statistik Austria, Statistische Übersichten 2004). This was partly due to the freedom of movement of citizens from EU-member states and the afore-mentioned facilitation of seasonal employment. Data from the 2001 census shows that 12.5% of the population in Austria had been born abroad. In 2002 there had been amendments and an extensive revision of all important laws regulating immigration and the stay of foreigners (Fremdenrechtspaket 2002). It led to a further restriction of new immigration to persons with special skills, a certain minimum gross income as well as an importance for the labor market and/or the company (Schlüsselkraft- key worker). To ensure faster application procedures for key workers a one-stop-shop procedure had been introduced. The quota for lower qualified workers had been disestablished and the possible need covered through expanded seasonal employment. An integration agreement had been created, which made German language and integration courses (including civics, European democracy and democratic fundamental values) obligatory (Fassmann 2003: 238). In 2006 the Settlement and Residence Act (SRA, Niederlassungs- und Aufenthaltsgesetz NAG) entered into force, which is the basis of today’s immigration laws and will be dealt with in detail in the following part of the chapter.

### 3.3.2 Immigration Regulations

The fundament for immigration, settlement, residence and other related topics are the amendments and extensive revision of all important laws regulating immigration and the stay of foreigners (the Settlement and Residence Act, Aliens Police Act, Alien Employment Act) made in 2005 (Fremdenrechtspaket 2005). Basically it is a set of interrelated laws, which means to form a coherent system of immigration and residence regulations (Fassmann 2007: 29).

To go into detail about all important legal regulations about immigration and residence in the aforementioned laws would clearly go beyond the scope of this chapter. Therefore I will focus on the Settlement and Residence Act.<sup>14</sup> It governs the issue, rejection and withdrawal of residence titles for foreign nationals who reside or want to reside in Austria for more than six months as well as the documentation of existing rights of residence and settlement.

But before paying due attention to the SRA a centerpiece of Austrian immigration regulations needs to be taken notice of: the Integration Agreement (IA, Integrationsvereinbarung). The integration agreement had been introduced in 2002. Since the changes in 2005 the agreement consists of two modules.

Module 1 (75 course units) is for alphabetization, in case a person has not learned to read and write in the country of origin. Module 2 (up to 300 course units) is meant to acquire German with the goal to be able to participate in the social, economic and cultural life of Austria. The command of language was raised from level A1 to A2 of the Common European Framework of Reference for Languages (CEFR). To complete module 1 one has to attend the courses or show proof of ability to read and write, for module 2 one has to pass an exam. In case one fails the exam it is possible to retake it any number of times in the five year period (extended from 4 to 5 years) in which it has to be fulfilled. The duty to fulfill the agreement starts with the first or extended residence permit. If modules are successfully completed in a certain time costs are shared with the federal authorities. It is possible to postpone the fulfillment of the agreement for a maximum of two years due to personal living circumstances. The integration agreement is obligatory for most people who do not hold citizenship of a country belonging to the European Economic Area (EEA) coming to take up residence in Austria. Exempted are persons younger than nine years, people not able to meet the agreement due to their age or state of health and people who do not stay longer than 12 months in 24 months.<sup>15</sup>

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<sup>14</sup> I explicitly want to state that this chapter 3.3.2. (especially regarding residence and settlement permits) is based on the original text of the law ([http://ec.europa.eu/ews/UDRW/images/.../docl\\_990\\_33236126.pdf](http://ec.europa.eu/ews/UDRW/images/.../docl_990_33236126.pdf) Oct 9, 2010) and Fassmann 2007: 19-39.

<sup>15</sup> [http://www.bmi.gv.at/cms/BMI\\_Niederlassung/allg\\_infos\\_neu/Integrationsvereinbarung.pdf](http://www.bmi.gv.at/cms/BMI_Niederlassung/allg_infos_neu/Integrationsvereinbarung.pdf) Oct 9, 2010

The integration agreement is seen as fulfilled:

- by successfully passing module 1 (alphabetization) and 2 (German and integration)
- by attending a public school in Austria for five years and passing the subject „German“ or successfully completing it in 9th grade (or did that in a foreign school having German as language of instruction)
- by providing sufficient proficiency in German
- by being a key worker, a special executive or an accompanying family member of a key worker
- by passing the final apprenticeship examination in accordance with the law on vocational training or possessing a school leaving certificate corresponding to the general university entrance qualification.<sup>16</sup>

The SRA distinguishes as a basic principle between residence and settlement. Residence means a stay more than six months because of a residence permit and a stay of more than three months duration for EEA nationals. The legal residence of an alien by virtue of a residence permit is not considered as a settlement. Settlement is an actual or intended residence in Austria for the purpose of creating the centre of one's vital interests and pursuing of a non-temporary occupation. It is a qualified form of legal stay with the perspective of permanent settlement. A legal stay of five years is a permanent stay, which means an unrestricted settlement (Fassmann 2007: 29).

Detailed requirements for the issuance of the different residence and settlement permits differ, but the following requirements have to be fulfilled for most permits. The applicant has to bring proof of an accommodation, which is in line with local standards for national residents, and of sickness insurance. The proof of stable and regular resources which are sufficient to maintain the applicant and dependants has to be furnished, because the alien's residence does not have to lead to a financial burden for the social assistance system. In certain cases a declaration of liability might be necessary, which is an authenticated statement of a third party covering the minimum period of five years confirming that the signatory is able to provide for sickness insurance, accommodation and sufficient income. He or she is liable for all costs which might arise for the public as well as the health and welfare system due to the stay of the foreign national.

Grounds of refusal are for example fictitious marriages or adoptions or overstaying of the initial visa. The central guideline is that the residence of a foreign national must not run counter to public interests. However, even in case of absence of some requirements a residence permit might be issued, e.g. maintaining of privacy or family life under Art. 8 of the European Convention on Human

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<sup>16</sup> Fassmann 2007: 33- 34 and <http://www.help.gv.at/Content.Node/135/Seite.1350000.html> Oct 9, 2010

Rights (ECHR). As a general condition the conduct of an alien who reside in Austria shall orientate on the social, economic and cultural life in Austria as well as on the basic values of a democratic state and its society.

Three different procedures for application have to be distinguished:

- Initial application procedure (at an Austrian embassy or consulate in the country of origin in person, only exceptions are family members of Austrians, EEA nationals and Swiss which are allowed to file the application in Austria)
- Prolongation procedure (§24)
- Procedure in case of change of purpose of residence (§26)

First of all new applications for residence or settlement as well as visa matters generally have to be submitted from outside of Austria and accepting these applications falls into the competence of the representative authority, which means a diplomatic or consular authority. A first proof for formal correctness is conducted. The competent authority to deal with all related matters to the SRA is the provincial governor, who may in the interests of administrative simplification authorize the district administrative authorities to make decisions in all or specific cases on his behalf. The territorial competence within Austria is determined by the alien's place of domicile or intended place. In case of appeal against decisions made by the head of the provincial government the Federal Minister of the Interior has to decide.

The SRA is divided into three chapters, whereas the first chapter deals with general provisions including the scope and definitions, jurisdiction of authorities, residence and settlement authorizations, general requirements and procedures. The second chapter called the special part outlines the different settlement and residence permits as well as accompanying legal regulations. The last chapter encompasses penal, final and transitional provisions.

For the settlement of third country nationals the following permits are issued for different purposes of stay:

#### 1.) Settlement Permits:

- Settlement Permit- Key Worker

This permit may be issued if a person has a particular qualification which is in demand on the labor market or special expertise in his/her field of work. The minimum payment of this person has to be 60% of the maximum contribution basis under the General Social Insurance Act. A written notice of the regional office or an expert opinion from the provincial office of the Labor Market Service has to be furnished as proof. This application is subject

to a simplified one-stop-shop procedure and decisions relating this permit have to be filed without delay within six weeks the latest by the competent authority. It is subject to quotas and may apply for a “settlement permit- unrestricted” after eighteen months. After a period of five years the holder may obtain a “long-term resident’s EC residence permit”. Accompanying family members first get a “settlement permit- restricted” and after 18 months might get a “settlement permit- unrestricted” and as well as the key worker are eligible for a “long-term resident’s EC residence permit” after five years. Holders of a valid residence permit for students may get a “settlement permit- key worker” in the procedure of changing the purpose after completion of their studies at university if requirements are met.

- Settlement Permit- for Private Purpose

This permit entitles its holder to limited settlement without the possibility of pursuing an occupation and is subject to an available quota space. To be eligible proof has to be shown that the applicant’s solid and regular monthly incomes are twice as high as the standard rates within Art. 293 of the General Social Insurance Act.

- Settlement Permit- Unrestricted

This permit authorizes limited settlement and includes full access to the labor market as self-employed or in a non-self employed occupation. For example key workers can apply at earliest after a period of eighteen months after they got their residence permit- key worker.

- Settlement Permit- Restricted

Also gives entitlement to limited settlement but only self-employed activity is permitted. Other employment needs the permission through an additional document issued by the Labor Market Service. People who might apply for a “settlement permit- restricted” are third-country nationals who hold a “settlement permit- key worker” and/or their family members since this is not subject to quota. Third-country nationals who are entitled to free movement within the EU can be granted “settlement permit- restricted” for the purpose of working in a self-employed occupation. Other third-country nationals who possess a “settlement permit- relative” can change the purpose to a restricted permit, but are subject to an available quota space.

- Settlement Permit- Relative

This permit authorizes limited settlement without pursuing of a gainful occupation. To get access to the labor market an additional change of purpose has to be conducted, which is subject to a free quota space.



2.) Different residence permits are issued for a limited residence (normally twelve months) in Austria for different purposes without constituting settlement:

- Rotational Workers

To get this residence permit a confirmation of guaranteed work or a work permit as a rotational worker has to be issued by the Labor Market Service.

- Persons on Business Assignments

This residence permit is designed for persons dispatched by an enterprise with employment lasting more than six months. A confirmation of guaranteed work or an employment authorization document from the Labor Market Service is necessary.

- Self-Employed Persons

A residence permit for self-employed persons is for those who have committed contractually to one particular activity which will exceed a period of six months. Furthermore the competent provincial office of the Labor Market Service has checked that due to the presented documents a self-employment activity really exists as well as that conducting this occupation is within the economic and labor market interests of Austria.

- Artists

The residence permit can be issued for self-employed or employed persons, if the activity is primarily of an artistic nature and the living costs are covered by the income earned through the artistic activity. A confirmation of guaranteed work is necessary.

- Special Cases of Paid Employment

For certain cases of employment activity, e.g. for people pursuing an occupation that is exempted from the law on the employment of foreigners, this permit can be obtained if circumstances for exemption can be proofed.

- Pupils

Third country nationals can be granted a residence permit as pupils if they attend a public, private or statutory school. Employment activity might be possible and is subject to AEA. However, this activity must not detract from the purpose of the residence which clearly is school education. For the renewal proof of positive study results is necessary.

- Students

Persons pursuing an ordinary or extraordinary study at a university, university of applied sciences, college or accredited private university as well as university courses which do not serve exclusively for language acquisition can obtain this type of residence permit. Employment activity might be permitted, but is subject to the AEA. Work must not take

away attention from studying as the clear purpose of residence. In case of extension evidence of education achievement has to be provided.

- Social Service Workers

In case the social service is not subject to the law on the employment of foreigners, is provided for a non-party, charity, non-profit making organization and does not serve any profit making ambitions a person can apply for this permit. The educational or vocational training character of the activity has to be proved and the organization has to submit a liability declaration. The maximum duration is one year with no extension permitted.

- Researchers

This residence title is designed for researchers pursuing an occupation for a research institution that is exempted from the substantial jurisdiction of the Alien Employment Act. Before signing the Hosting Agreement the research institution has to examine the qualification of the researcher for the concrete research project as well as the purpose, duration, scope and financing of the project. A liability declaration is necessary. The intention of this permit is to facilitate the conduct of scientific work in research and teaching through providing easier framework conditions.

- Maintenance of Family Unit

Family members may be granted a derived residence permit. The validity of this permit has to be linked to the one of the reunifying person. This “residence permit- family community” is granted quota-free to family dependants if the reunifying third country national holds a residence permit as rotational worker, researcher, special cases employment, student or artist.

- Permits for Humanitarian Reasons

On humanitarian grounds and in cases particularly deserving of consideration the authority may issue permits to third country nationals residing in Austria ex officio, with no legal entitlement of the third country national and despite the existence of an impediment to grant a residence permit. It is subject to the consent of the Federal Minister of Interior and without quota requirements. These residence permits are thought for e.g. the probable duration of an armed conflict. Settlement permits for humanitarian reasons can be “settlement permit-restricted” in case the IA has been completed and a work permit within the meaning of the AEA is available or a “settlement permit- for private purpose” if the IA is fulfilled.

- Right of Residence for Displaced Persons

In case of an armed conflict or other circumstances threatening the safety of entire population groups a temporary right of residence will be given to directly affected groups of foreign nationals.

Holders of a residence or settlement permit, except social service workers, are eligible to apply for a change of purpose of their permits within Austria during the time their permit is valid. Depending on the case such changes might be subject to quota. This application provides a right of abode going beyond the period of validity of the original permit until the authority of first instance delivers a decision.

3.) Foreign nationals are eligible for the residence permit “long-term resident’s EC residence permit”, and therefore for an unlimited stay, after legally living in Austria for five years (certain circumstances permit them to leave the country for up to two years). However, the time spent as a student or as an asylum seeker does not count. Besides the duration of their stay they have to have fulfilled the IA, have a health insurance and are able to prove that they have enough stable income to have a living without any welfare benefits.

4.) The residence title “long-term resident’s EC residence permit- family member” for the documentation of the unlimited right of settlement for people previously holding the residence title “family member” for five years.

5.) The Residence title “family member” for the restricted settlement with the chance of afterwards receiving the aforementioned residence title “long-term resident’s EC residence permit- family member”.

After introducing all residence and settlement titles the following permits are subject to the provisions of quota requirements:

- Key workers and their family members (employed and self-employed)
- Relatives of third-country nationals in the form of family reunification. However, if three years after the submission of the application no quota place is available the quota requirement does not apply anymore. The major proportion of quota space falls into those first two categories.
- Third-country nationals who have a “residence permit- long-term residence permit EC” of another EU-member state and want to stay in Austria with sub-quotas for self-employed, employed or no employment.
- Third-country nationals who possess a “settlement permit- relative” and want to change the purpose of settlement into a “settlement permit- restricted”.
- Third-country nationals and their family members, who are entitled to settle in Austria on a permanent basis through showing proof of a certain monthly income, but have no intention to work.
- The granting of initial settlement permits
- The change of purpose of a valid residence permit (application for a residence title with another purpose during the validity of one’s residence title) if the one applied for would have been subject to quota (Fassmann 2007: 65-67).

The maximum numbers of settlement and work permits have to be set as quotas on a yearly basis by the Federal Government upon proposal of the Federal Minister of the Interior. The government has to ensure the sound development of a well-regulated labor market and has to allocate the permits among the provinces in accordance with their needs and requirements. Therefore the provincial authorities have the opportunity to submit proposals regarding the number of permits needed in their province. Before exact numbers are set consultations have to be held, amongst others, with the Chamber of Commerce and Trade, the Federal Chamber of Labor and the Austrian Institute for Economic Research. Furthermore before a ministerial order is issued the Federal Government has to take the absorption capacity and the development of the Austrian labor market as well as the employment situation into account. To comply with standards of transparency and the assessment of the ranking each application has to be filled in a quota register, which is administered by the provinces, according to the date of submission, year and quota type.

Before outlining provisions on family reunification, where there are different regulations for sponsors who are third country nationals and those who are EEA or Swiss, attention should be drawn to the right to settle under Community Law. EEA nationals, i.e. aliens who are nationals of a Member State to the European Economic Area Agreement, are entitled to the right to free movement, which means the right of an EEA national to settle in Austria under the Community Law. EEA nationals who want to reside in Austria for more than three months have the right to settle if they furnish proof of sufficient sickness insurance for themselves and their family, an employer authorization, evidence of self-employment, have enough financial means to support themselves and their family without use of the social assistance system and/or complete an education at school, university or other educational institution. EEA nationals do not need a residence or settlement permit, but solely need a confirmation of registration.

EEA nationals' relatives, who are EEA nationals themselves, are entitled to free movement if they are the spouse or unmarried partner proofing a long-term relationship in the country of origin, a relative in direct descending line until the age of twenty one and beyond if they are supported financially by the EEA national. If given financial support also relatives in ascending line are eligible. Furthermore other relatives, who have lived in a joined household in the country of origin, get support or have severe health problems, are entitled. Regarding family reunification EEA nationals, as opposed to third country nationals, are therefore not limited to their nuclear family. All family members have free access to the labor market. In case the relatives of the EEA national are third-country nationals they get a long-term settlement authorization valid for ten years (ibid. 36).

Third country nationals, who possess a residence title "long-term resident's EC residence permit" of another member state, have several options for permanently residing in Austria with their family members. If quota space is available they can go from their current permit to "settlement permit- for private purpose", to "settlement permit- restricted" for the purpose of employment (a work permit

according to the AEA is needed) or self-employment with a period of validity of 12 months or a “settlement permit- unrestricted” (not earlier than after 12 months). Complying with the requirements there is the possibility of obtaining a residence title “long-term resident’s EC residence permit” in Austria. For other third-country nationals and their family members from member states, who want to live in Austria, depending on quota spaces and other factors, the following residence titles can be issued: residence title “family member” for restricted settlement with the chance of afterwards getting a residence title “long-term resident’s EC residence permit- family member”, a “residence permit” for a non-permanent limited residence for a specific purpose with the possibility of obtaining a settlement permit afterwards, a “long-term resident’s EC residence permit” and “long-term resident’s EC residence permit- family member” for the documentation of the unlimited right of settlement.

In general family members of the nuclear family (spouse, unmarried under-age children including adopted and step children) with a settlement permit have their right of residence derived from the sponsor for up to five years. After this time it does not matter if the requirements for family reunification cease to exist. However, if these requirements stop to exist during the first five years it causes the loss of the permit, except cases like the death of a spouse, divorce for predominant default of the other spouse or cases, which are particularly deserving consideration e.g. domestic violence. Furthermore the status of sponsors and their family members is conditional upon them fulfilling the IA and meeting certain income respectively economic resources requirements.

To draw this chapter to a close it is important to shed some light on the relation of Austria and the European Union since it is, possibly increasingly, influencing immigration regulations (and perhaps discourses) in manifold ways. Austria is a member state of the European Union since 1995 (a Contracting Party to the Treaty on the European Union) and is largely and increasingly affected by this membership in a multitude of ways. Therefore it seemed necessary to briefly outline main developments in the European Union in regard to immigration.

The European cooperation regarding immigration and asylum developed gradually. Milestones of a European policy on migration had been:

Schengen I (1985) and II (1990) brought forward the realization of freedom of movement and the abolishment of all checks on persons at internal EU borders and can be considered groundbreaking for the emergence as well as the development of an European migration policy (Treibel 2003: 68). Regulations for foreigners entering and remaining for short stays in the Schengen area had been standardized and border police cooperation developed. Since the European single market and the Schengen Agreement came into force nation state control and regulation of immigration has become more difficult because onward migration from other member states cannot be prohibited or prevented. Therefore there is a need for an effective cooperation

and policy harmonization between the member states (Steineck 1994: 27). This intergovernmental cooperation within the Schengen framework can be regarded as the driving force and laboratory for EU-wide cooperation in matters of migration policy with a strong emphasis put on questions of internal security and a focus on control aspects of immigration policy. Since the Schengen Agreement the distinction between EU nationals and third country nationals is particularly important (Treibel 2003: 72).

Through the Maastricht Treaty in 1992 a formalization of this cooperation on migration policy took place, setting it on a new basis in the “third pillar” (the Maastricht Treaty organized the EU policy areas into three pillars: European Communities, Common Foreign and Security Policy, Justice and Home Affairs) (Focus Migration No.17 2009: 4). It accepted international immigration as an European issue and played a crucial part in constituting the EU immigration policy field. However the Maastricht treaty recognized immigration and asylum to be matters of „common interest“, but not of a “common policy” (Schmidtke 2008: 212). Since the European Single Market and the Maastricht Treaty entered into force it is partly the responsibility of the European Union to find solutions in the area of immigration and asylum because only EU-wide solutions can fully address the problems. European immigration policy should be defined by non-economic considerations (asylum for political refugees and family reunification) as well as clear economic interests (regulations for labor migration, highly-skilled immigrants) (Steineck 1994: 19). The qualification levels of potential immigrants are increasingly a topic in the political debate. However, up until now in most member states of the European Union (e.g. Germany, Italy and Austria) immigration is still dominated by the low respectively lower skilled. So far the UK is an exception having almost equal parts of low and high skilled immigrants (OECD International Migration Outlook 2007).

The Amsterdam Treaty in 1997 transferred these policy areas to the supranational first “pillar”, integrated the Schengen regulations into the treaty framework and introduced supranational decision-making rules after a given transition period, (Focus Migration No.17 2009: 4). The fact that immigration and asylum topics were taken from the intergovernmental pillar to the main treaty had the consequence that common immigration and asylum policies could develop based on binding EU laws (Schmidtke 2008: 212). This reflects the central priority that asylum and immigration policies now have in the European Union.

In Tampere in 1999 four key elements of a common EU approach to immigration and asylum were set: partnership with countries of origin, a common asylum system, fair treatment for third country nationals, and management of migration flows (ibid.). Additionally to the treaties decisions made by the European Council also had a powerful influence on developments in the field of migration (e.g. Den Haag in 2004).

The Treaty of Lisbon entered into force in 2009. It extends decision-making rules based on qualified majority voting and increases the involvement of the European Parliament by extending its co-decision powers to the one field that had been excluded so far: labor migration (Focus Migration No.17 2009: 4). The Treaty of Lisbon contains the aim of a “common immigration policy” (Article 17 Treaty of Lisbon), but how this will work out in the long term remains to be seen.

Even though immigration and asylum policy is one of the core areas in the EU, member states claims to sovereignty are ever-present. This is partly due to the sensitive nature of immigration policy matters internally as well as their relevance to the core aspects of national sovereignty and national identity. Because of the difficulty of surrendering national powers and responsibilities, immigration policy is centered around areas in which the member states are pursuing common interests (e.g. improving state control over migration, cooperation between border police forces, strengthening the fight against irregular immigration and asylum abuse) (Focus Migration No.17 2009: 1).

Besides that the member states have quite heterogeneous positions on immigration and different immigration histories and experiences. There are former colonial states (e.g. Belgium, France, United Kingdom) with a long history of immigration, which gave people originating from their former colonies the possibility to immigrate and residence rights compared to other European states (e.g. Germany), which became countries of immigration only after World War II through the guest worker model. Southern EU member states (e.g. Italy, Portugal, Spain, Greece), previously being emigration and transit countries, started to attract immigrants in the 1980s. The EU members in the east and southeast had been emigration countries since the fall of the Iron Curtain. However since they joined the EU in 2004 and 2007 they have developed into receiving countries. The main countries of origin vary from one member state to the other reflecting a country’s individual historical experiences, geographical proximity and cultural contacts. Furthermore there are huge differences regarding the numbers of non-nationals and immigrants as well as the legal categories. This diversity of experiences and heterogeneous viewpoints can be seen as an impediment to the development of a common European migration policy (ibid. 1-2).

Two controversies have determined the development of this policy area to date: firstly, the tension between standardization based on supranational regulations and the desire to safeguard sovereignty; and secondly, the tension between the priority nations attribute to internal security and universal human rights, humanitarian values and economic priorities (ibid. 8). Directives adopted hitherto may contain loopholes and room for interpretation. They allow member states scope for its implementation, sometimes being the lowest common denominator between the member states. One example is the directive concerning settled third-country nationals (2003/109). The original intention was to extend the right of free movement to third-country nationals being long-term residents and therefore providing a framework to harmonize the legal status of third-country

nationals with a settlement permit with that of EU citizens. However, it can be seen as only partly fulfilled due to a number of limitation clauses including quotas or the need to fulfill certain integration measures. Other directives try to harmonize national laws by setting and specifying minimum standards, e.g. family reunification, admission of students and researchers which are the only regulation at a European level relating to the influx of third-country nationals. Attempts to regulate employment-related immigration on a European level have failed so far due to the resistance of the member states. However under the now communitised decision rules, member states share central powers and responsibilities with the supranational institutions of the EU (European Commission, European Parliament) (ibid. 3).

Due to structural and prosperity differences the migratory pressure of today most likely will continue to exist and the EU is a very attractive destination for immigrants and refugees. To effectively deal with that task a comprehensive and clear immigration policy of the potential entry region, achieved through a community wide formulation of an immigration policy, is necessary. According to Steineck this European immigration policy should focus on three main economic goals: enhancement of prosperity of EU-citizens, slowing down of the demographic ageing process and reduction of the migratory pressure in the regions of origin (Steineck 1994: 20-23).



### 3.4 Conclusions

After providing definitions of immigration and integration, introducing mechanisms of a comprehensive immigration policy as well as elucidating immigration history and immigration regulations in Canada and Austria it is now time for some concluding remarks. Regarding immigration regulations clearly both countries know the importance of well thought out and defined immigration policies. In their respective legislations Canada and Austria set out the rules and regulations which govern the major elements of the immigration process.

Originally it was not intended to give the part about immigration history this much space in the chapter. However, while proceeding to work myself into this topic it developed to appear necessary for a full understanding and for finding an answer to the research question. After all, policies for immigration tend to reflect the history and role of migration in the respective country. A close look on historical developments and changes in immigration as well as related policies in the respective countries proved to be telling and necessary for the overall picture.

Austria and Canada developed as nations in specific historic, socio-structural, cultural and political contexts. They do have some similarities, as being countries with a high percentage of people born outside the country, being obliged to grant asylum to refugees as well as a certain need for immigration due to economic reasons and demographic changes. Because of the very good living standards both are interesting for potential immigrants. However, huge differences exist especially in the historical development and these differences in the history of immigration have different outcomes and far reaching consequences for the self-perception, social structure, culture and self-understanding of both countries.

Canada is not only an immigration country from the very beginning, but also a country and society of immigrants since besides the first nations everybody or everybody's descendants had been immigrants themselves. It has a very high proportion of foreign-born population and is one of the countries receiving the highest numbers of immigrants worldwide. However, one intention of the detailed immigration history was to show that Canada's immigration policy changed considerably over time from a racist, exclusionist, assimilationist, Anglo-dominant approach (especially in immigration regulations) to the current open, multiculturalist and pluralist society it aims to be today. It has to be clearly stated that immigration in the past was totally different from today and a process of development had to take place. Furthermore Canada has not been bi-ethnic out of self-understanding from the beginning and immigration was not always cherished. The concept "unity-in-diversity" and multiculturalism has not been introduced out of altruistic motives, but because of a unique societal, historical and discursive setting forcing Canada to accept its societal reality and act accordingly. Austria too might be called an immigration country due to its high numbers of foreigners and as shown above also has a long immigration history, which is somewhat, but not

totally, contrary to the Canadian experience.

Both approaches were for a long time shaped by the demand of full assimilation and complete blending into society. However, Canada had to face a multiethnic segment of immigrants through the abolishment of racist entrance barriers far earlier than Austria with its guest-workers, who were intended to be temporary labor, but ended up staying permanently. The challenge of immigration calls Austrian self-identity as a monocultural entity with common national and ethnic characters into question. In the following chapter relevant and interesting aspects of nation state concepts, national identity, citizenship and multiculturalism will be approached.

With regard to immigration policy Canada can be seen as a traditional, classic immigration country whereas Austria can be considered a modern immigration country. When focusing at immigration policy in Canada and Austria, it has to be stressed again that a receiving country's position regarding immigration in general has a strong influence on policy formulation. While Canada has a rather liberal policy and a policy of active encouragement of immigration Austria is implementing a highly restrictive policy with exclusionary notions especially in the area of labor migration (besides highly-skilled immigrants).

It has to be said that Austria became a de-facto country of immigration not out of conscious decisions but as a result of unplanned processes in the course of the guest-worker system. It took the state and the society some time to acknowledge that these temporary workers will not return anymore. Hence Austria became an immigration country against its will and is still lacking a self-understanding as an immigration country despite high numbers of people born abroad. However, admission policies, political asylum and control measures are the focus of serious public discussion and Austria's immigration laws and policies have undergone substantial changes lately. The Settlement and Residence Act of 2006 can be seen as an attempt to structure and control immigration to Austria. Even though Austria does not react to immigration through ad-hoc approaches anymore unlike in the traditional immigration country Canada a well-thought out, long-term strategy dealing with immigration is still not in place. The development ascended from a temporary damage control and ad-hoc measure to a more planned immigration policy and should reach a long term strategy which defines all policy objectives. Still, in Austria decisions in this field are rather influenced by the perceived chances of finding support amongst voters than defining a comprehensive longer-term strategy which covers all aspects of immigration. Having a look on political discourses one cannot fight the impression that more emphasis is put on how to defend unwanted immigrants (hence most immigrants other than highly-skilled ones) rather than thinking about which people are needed and how one might be able to get them (which would not necessarily include third-country nationals but could foremost apply to EU-nationals). Even if further immigration is socially and politically not desired - after all Austria does not have to be a country of ongoing immigration - a substantial number of immigrants are already here. A non-

emotional, rational approach is urgently necessary and in this respect a look how Canada is doing (positively and negatively) might pay.

A crucial factor of a comprehensive immigration policy is effective coordination, control and admission procedures since uncontrolled immigration can understandably heighten fears, concerns and rejections in society. If the native population has the impression that immigration and quotas are the outcome of planned, well sought out processes successful integration of new immigrants is easier. The willingness of the host society to incorporate immigrants into all aspects of life in the country (e.g. political, social and economic) is substantially greater if citizens feel there is effective control over entry than if the flows are unregulated (Carmon 1996: 52). Even though the influx of foreigners into Austria is far from uncontrolled public perception might be the opposite. In Canada it seems that the government, the CIC and other actors can credibly assure the public that effective control over immigration is exercised.

A country that has precise admission procedures avoids a lot of problems which might otherwise arise. Both countries plan the number of admissions according to annual quotas. Canada annually reviews and reassesses the overall numbers and composition of categories as does Austria. Whereas in Canada admission policy is based on the point system (assessing educational and language skills, job experience and other categories already introduced above) in Austria emphasis is put on the different residence and settlement permits.

The Canadian system is more divided between on one side immigrants with the permission to establish permanent residence and non-immigrants, who come for other defined purposes. In Austria the situation is more complex. Through the new SRA in 2006 the number of residence and settlement permits has been simplified and abridged with regard to obligations arising out of the membership in the European Union. However, the underlying aim is to integrate those immigrants first who are already here than allow new (work) immigration. So the political goal was to make immigration for third-country nationals more difficult. For people who want to be employed in Austria and have no permanent residence status (other than key workers) possibilities are scarce, which in turn leads to a high number of asylum applications. On the other hand persons who are allowed to enter easier labor market access is given and it is more clearly formulated what is expected (e.g. integration agreement).

Canada functions more in categorical terms and permanent resident status on arrival is the norm whereas the method of choice in Austria is the system of residence and work permits. A person who has one of the different residence permits can move to a more favored level after a specified number of years in the country, after a grant of asylum, after marriage with a citizen or in other specified ways. This system is shaped by the notion that stronger rights accrue gradually with the passage of time (Hailbronner 1997: 256). Even though I understand the approach of an immigrant

proving its ability and suitability, in my personal opinion two fundamental issues are touched: the factor of feeling at home and welcomed as well as the question of the security of stay.

Canada does have a temporary worker quota, but mostly it selects those people who want to take up permanent residence. When Canadians say they celebrate diversity and newcomers are free to retain their culture they make sure that people feel at home and welcomed. Permanent settlement of foreigners is a very important factor in feeling at home and encouraging immigrants to take all efforts to fully integrate. If there is the possibility or necessity to go back home (like it was planned with the guest-workers in Austria), the intended length of stay is short or unsecure or there is a good chance to be sent back immigrants may refrain from full integration or consider adaptation not as important as somebody who is a permanent resident and future citizen. If people arriving or living in a country feel unwelcome and rejected the instinctive response is holding on to the culture and group of origin, clutching to what is known and what gives comfort. In a defensive position full integration might be rejected to oneself and to the own children, diversity reinforced and heterogeneity in society further continued. If there is on one hand the expectation that immigrants integrate or even be fully absorbed into society but on the other hand full identification and integration is denied it leads to the question of where is the point of trying to integrate if full inclusion and acceptance can eventually never be achieved. It is important to stress that the Canadian approach can only be working and be secured against misuse if admission criteria is used as a means to structure the composition of the future immigrants.

However, admission policy does not only define the various categories and numbers of immigrants or the selection criteria, it also forms a kind of social contract which specifies the conditions under which immigrants may enter the country, including both what is expected from the immigrants and what in turn is promised. These are among the most critical factors in explaining the variations in the capacity of societies to absorb immigrants (Carmon 1996: 46-47). In my opinion this is a huge issue where Austria can have a look at the Canadian approach because Canadians state very clearly what is expected from their future immigrants ("unity-in-diversity", perceived as future citizens they should feel as Canadian, but can retain their cultural, religious and other allegiances, immigrants have to respect certain core values). Immigrants in Austria are hardly perceived as future citizens, and integration is wished-for, but full integration might be hard to reach for immigrants.

In terms of economic aspects of immigration it can be said that Canada always utilized immigration for its economic purposes and to respond to labor market, economical and demographic needs (stable long-term immigration is favored over short-term stays). Canada has always tried to keep its immigration policy flexible to be able to respond to those needs. It established liberal or restrictive rules according to perceptions of the economic situation. The changes in the 1960s were not only made to include an open and non-discriminatory approach, but also to substitute declining

numbers from the traditional source countries and attract immigrants with certain educational and occupational qualifications who can make a contribution to Canada and its economy. Immigrants are therefore less seen as a threat, burden or problematic group, but clearly expected to contribute to Canada in different ways (e.g. economic, social, cultural and civic), whereas the economic contribution might be the most important one. In the selection system there is strong emphasis on the skills of applicants and on other economic criteria like educational levels and occupational skills to keep the costs of adjustment low. However, there is not only clear emphasis to attract well educated immigrants with skills and qualifications needed but also to meet other urgent labor shortages or satisfy demands of certain regions. Austria too tries to respond to economic and labor market needs and shapes immigration regulations and quotas with regard to economic considerations. With the new SRA it was aimed to make immigration much easier for skilled immigrants, which is a step in the right direction. In two aspects Canada can be considered to be taken as an example: the recognition of immigrant skills and the combat of labor and skill shortages. It is important to assess which skills immigrants (or family members) bring with them or those already living in the country have. Austria should take more efforts to effectively use skills brought along by foreigners and help them to update or expand their skills. Furthermore it should be made easier and quicker to compensate labor shortages in certain occupations (e.g. natural sciences, computers, engineering) and regions. Nevertheless, comparability between Austria and Canada is limited since Austria attracts citizens of other European Union member states to fill labor shortages whether they are skilled or unskilled. Immigration should make a contribution to economic growth and it is important to stress that the admission of immigrants does not have to be to the disadvantage of the receiving country. To offset possible negative effects a clear and well thought out immigration policy is necessary and benefits all involved.

## 4. Discourses about Immigration in Austria and Canada

After outlining immigration definitions and concepts, historical developments of immigration in Canada and Austria as well as immigration regulations in both countries this last chapter of the thesis is aimed to focus on core discourses affecting immigration policy in both countries. Since it is not possible to deal exhaustively with all discourses relating to immigration in Canada and Austria - various points would deserve special attention – the focus is on nation state concepts and national identity, citizenship as well as multiculturalism.

The question why a close look on existing discourses regarding immigration is important is easy to answer. Discourses constitute socio-cultural practices and are constituted by them. Immigration numbers, regulations, systems, amongst others, are formed by discourses and communication. However, the way policies and regulations are shaped also influence discourses. Therefore the question about important discourses in the field of immigration arises. Nevertheless, discourses in societies are virtually endless and discourses are located on different levels (e.g. political, societal, public, media, scientific, legal) making it hard to separate them from each other, define them and extract them. Despite the complexity of the topic the aforementioned three core discourses respectively discursive areas influencing immigration had been chosen to be the subject of attention. Through that the question should be approached if Canada might (partly) be an example of good practice for Austria.

Furthermore meaning is constantly renegotiated and discourses are constantly changing. As with the impossibility to simplify and unify “the” discourse about immigration there is no stereotypical immigrant and no unique class of immigrants. Immigrants are very diverse with their cultural and educational backgrounds and therefore may be affected by different discourses in a society. For example highly-skilled immigrants, researchers or students will most probably make different experiences than low or uneducated family members following an immigrant.

Now close attention will be given to those three discourses in Canada and Austria, which will illustrate why the two approaches to immigration are so different and where a look to the other might be worthwhile.

## 4.1 Nation State Concepts and National Identity

First of all there is no generally accepted as well as undisputed or unambiguous definition of a nation and it need hardly be emphasized that several definitions and concepts of nation states exist. Posing the question what a nation or a nation state is therefore brings an abundance of literature providing possible answers. Due to the limited scope of this thesis and the broad range of the topic attention will be given to only brief definitions of nation and national identity.

Whether a nation is a fact, a real existence or not is an argument that is beyond the scope of this chapter. Walter Bagehot described the history of the 19<sup>th</sup> century as one of nation building, stating the following about nations: "We know what it is as long as nobody asks us about it, but we cannot describe or define it immediately" (Bagehot 1887: 20f in Hobsbawn 2004: 11). It is reasonable to assume that most people in the world consider the existence of a nation a fact or act as if they believe it is a fact (Spohn 2005: 16). Furthermore, the nation state is not only one part of a complex web of social and political relations but is primarily being regarded as the only legitimate form of modern socio-political arrangements (Chernilo 2007: 73). Nations and nation states are organizing principles of the world we know today.

Nation states sovereignty, scope of action and autonomy are increasingly coming under pressure. However, the nation state has a continuing importance in a multitude of ways since in spite of the decline in its autonomous capacity to act it is still the most important locus of sovereignty. There is a paradox of the present situation: the nation-state's capacities are partly eroding, but there is nothing at present that can credibly fill the void (Koopmans 2005: 250). Especially the democratic state's role as the possessor of a territory gives it a definite legitimacy internationally in a way no other agency could have in that it can speak for that population (Hirst/Thompson 1995: 409 in Mackert 1999: 106). Various factors (e.g. globalization, the EU getting closer by means of the currency union) put pressure on nation states and heighten a sense of national identities being under threat, which leads to attempts to renationalize national identities in several member states and to renew a sense of control (Chernilo 2007: 3). Immigration and minority integration policies are particularly well suited for attempts to reinvigorate the nation state (Koopmans 2005: 4). They also particularly fit for the nation state to display its capacity to act and therefore become the focus of this reinvigoration attempts. Joppke states that the control of entry becomes one of the few domains in which states can still be strong and that "renationalizing" immigration policies function as an antidote to the "denationalizing" logic of globalization (Joppke 1998: 3).

Recurring to Hertz (1927) Estel (1994: 20) distinguishes three classifications of nation states:

1. The nation is the people constituting this nation (Staatsvolk), therefore the entirety of citizens without regard to language and descent, within the given state borders (Anglo-American).
2. The nation is a community, which is identifiable through objective characteristics and features like language, race, culture and character, without regard to state borders (Central and Eastern Europe).
3. The nation is solely based on the subjective characteristic of the will to a common bond and the sense of community (France).

According to Schubert (2006) there are two forms of nations. First there is the conservative one which emphasizes a static element, e.g. the belonging to an ethnic community with homogenous characteristics be it a common language, culture or history as well as most commonly living in a specific territory with the common roots group.

Second, the open one which fits more today's understanding of democratic societies, underlining the possibilities of change and development which arise out of the fact that several groups live together in one nation state. Those people can possess common but also differing features and thereby encourage the interexchange between people of different origins and groups of belonging.<sup>17</sup>

Similarly, it might be distinguished between two concepts, cultural nations and state nations, which developed out of the respective countries history, society and various other influences.

The concept of a state nation is not based on ancestry or a certain culture of the inhabitants but solely rests on the confession of loyalty of the individuals. Mostly from the beginning onwards the ethnic and cultural heterogeneity did not permit a nation state in the concept of a cultural nation. In the concept of the state nation instead of the ethnic element the political element of community is emphasized, for example in the form of a constitutional patriotism-citizenship. It is founded more on the idea of citizen, constituting itself through "the individual civic rights of equality and the procedures of the democratic legitimization of governance through the citizens" (Lepsius 1990: 242).

The concept of a cultural nation itself is based on common ancestry and a (more or less) homogeneous ethnic group. The formulation of cultural unity serves as a medium for the conveyance of a sense of community (bpb, Aus Politik und Zeitgeschichte B 26/2003). Seen from a historical perspective especially in 19<sup>th</sup> century Europe (or early 20<sup>th</sup> century with the breakup of the Austro-Hungarian Monarchy) existing states were broken up and new nation-states created under the principle that each nation has the right to its own sovereign state. In this state they can protect, preserve (or create) their own culture and history whereas unity is a core point in this

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<sup>17</sup> [http://www.bpb.de/popup/popup\\_lemmata.html?guid=QYS8IF](http://www.bpb.de/popup/popup_lemmata.html?guid=QYS8IF) Apr 2, 2010



concept (e.g. unity of descent, culture, language and sometimes even of religion). Where this ideal type concept of unity and homogenous society did not meet reality, which was and is quite common, it was encouraged (and still is in certain cases) and enforced.

Looking at Canada and Austria with regard to these concepts seems quite interesting. Canada on the one hand is an open nation, where the Canadian self-understanding orients itself towards the Anglo-Saxon idea of a state nation. Canada had been bi-ethnic and bi-cultural from its very beginning (adding to that the numerous different ethnics of the first nations) as well as a society of immigrants and since then had been a society with ongoing immigration. The ethno-cultural heterogeneity and diversity did not permit a nation state in the sense of a cultural nation. However, even Canada had to develop itself in the course of the last century to accept being a dynamic and multiethnic society, with constant changes in the composition of immigration but also in regard to attitudes towards immigration changing from Anglo-conformity to multiculturalism. The Canadian concept of a state nation is inclusive and not based on ancestry or a certain culture but on the individual commitment of loyalty of its citizens and therefore it can unite different ethno-cultural groups.<sup>18</sup> On the other hand the Austrian national self-understanding and nation state concept corresponds more to the concept of a cultural nation. Belonging to the Austrian culture is a uniting factor and citizenship is based on the principle of descent, so who is entitled to be a citizen and who is not is based on ancestry. Even though the multiethnic segment in its present form (high numbers of people originating from Turkey and the former Yugoslavia) is relatively new Austria has never been homogenous in its population. However, although Austria is not and never has been a mono-ethnic society immigrants face a local and national majority culture expecting in varying extents integration or assimilation into mainstream society and culture.

But regardless of the conception of a particular nation state there are five elements most of them share: a (historic) territory or homeland, common myths and historical memories, a common mass public culture, common legal duties and rights for all members of the nation, a common economy with territorial freedom (of movement) and mobility for all citizens as well as a name for the nation (Smith 1991: 14 in Ichijo 2005: 5). It has to be stressed that these constitutive components do not fix national identities since both are in a constant state of flux (Ichijo 2005: 6).

This leads straight to the topic of national identity, since national identity and related discourses are highly important for immigration as well as for answering the research question of this thesis. Different countries deal in different ways with immigration and some things like the number or composition (e.g. religion, ethno-cultural diversity and cultural backgrounds) of the immigrant population may help to explain some of the cross-national variation in dealing and in possible contention over immigration and ethnic relations in general. For example Europe in the past

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<sup>18</sup> [http://www.bpb.de/publikationen/XPXZV2,0,0,Multikulturalismus\\_in\\_Kanada\\_Modell\\_f%FCr\\_Deutschland.html#art0](http://www.bpb.de/publikationen/XPXZV2,0,0,Multikulturalismus_in_Kanada_Modell_f%FCr_Deutschland.html#art0)  
Dec 5, 2010

decades has experienced immigrants more distinct from the native population compared to earlier immigration.

However, this cross-national variation, also with regard to contention and conflict about immigration, depends primarily on the different conceptions of national identity as well as nation's cultural self-understanding. These concepts and self-understandings define belonging to a national community and become evident in nation-specific integration, immigration and citizenship policies. Furthermore they function as institutional and discursive opportunities and constraints. On the institutional side they determine the rights, duties, resources and institutional channels offered to immigrants as well as their opponents and supporters in the majority population for making claims on the state and on other societal actors. Whereas on the discursive side, cultural notions of citizenship and national identity set which points of view on the relation between immigrants and the majority society are considered valid and sensible, which constructions of reality are seen as realistic and which actors and claims as legitimate within the polity (Koopmans 2005: 3-6).

When looking at national identities, one might basically differ between two types:

a) Grown national identities can be ethnic-exclusive (e.g. being German, being Turkish) or democratically open (e.g. the French citizen, the Anglo-Saxon citizen). One difference between those societies, where the grown identity is focused on the concept of the citizen (not exclusive, immigrants are offered not solely a passport but also an identity) and those focusing on ethnicity (ethnic-exclusive) is that the latter have difficulties providing immigrants with an identity. However, to successfully integrate people it is necessary to be capable to offer an identity.

b) Constructed national identities can be found in classic immigration countries. Whereas the USA focuses on the American constitution and the so-called „American way of life“ Canada in contrast puts emphasis on being multicultural.<sup>19</sup>

However, collective identities are not simply tied to the nation or other factors (e.g. Europe), but made up of multiple layers of identification. National identities are, on the one hand, composed of local and regional identities which reflect ethno-national relations between the dominant majority groups and subdominant national or immigrant ethnic minorities (Ichijo 2005: 5). Furthermore there are various influences for national identity formation, for example the relation to history, state formation, nation-building and democratization as a historical-structural basis of collective identity formation. Moreover national identity formation has several components: socio-economic, cultural, political, ethnic and political-civic. A comparative framework of collective identity formation therefore would have to include the historically changing multi-dimensional combination of the ethnic, cultural, socio-economic and political components of national identities (ibid. 7). Clearly a political community is not immutable and fixed, but fluid and forever changing. Furthermore also

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<sup>19</sup> bpb, Aus Politik und Zeitgeschichte B 1-2/2001  
[http://www.bpb.de/publikationen/40QIUX,2,0,Leitkultur\\_als\\_Wertekonsens.html#art2](http://www.bpb.de/publikationen/40QIUX,2,0,Leitkultur_als_Wertekonsens.html#art2), Nov 15, 2010

the societal assessment and estimation of otherness respectively foreignness is variable and subject of collective processes of definitions and conventions.

Basically a nation constructs itself through its self- and counter-images. In the image of the other one can gather an image of oneself. And in reverse: on the self-image the image of the other is shaped. So the relation of a nation towards foreigners is therefore also a relation to itself and it can be assumed that cultural identity builds (at least partly) through the construction of cultural borders and the distinction from those seen as not belonging to the own nation (Langewiesche 2000: 49-50). This corresponds to a nation as an "imagined community" and the construction of a common "we" as opposed to a "the others". Immigrants might not only be seen as foreigners but standing in contrast to the own, to the native society as in a kind of dualism. The native person and the immigrant form a universal pair of opposites, where in differentiation from the own to the other criteria of societal belonging and not belonging are formed. The foreign might be perceived as different and incompatible whereas the perceptions of the own might include visions of homogeneity and unity of the own people and the own nation (Behr 1998: 297). To protect this sensed unity in some modern nations an overt or hidden exclusion of foreigner and immigrant groups developed, which can easily clash with ideas of equality and solidarity.

Furthermore through the definition of this pair of opposites (and the development of the modern nation state) a person is assigned to be part of one nation, one people, one culture and one descent due to his or her origin and nationality. However, if the criterion of being foreign turns into a question of descent it turns into an irrevocability and irreversibility, being the determining factor of existence (ibid. 11-12).

Descent can be a main criterion of this dualism even if contrary to the national imagination and national identity construct (as in most cases) the descent of the people in the own nation cannot be traced to an identical and common origin. To sum up, this dualism is an indispensable condition of existence for nations, whereas the extent depends and varies in different countries, and the criteria of being foreign is a result of identity constructions, identity assignments and self-perceptions of the receiving society (ibid. 302).

The rest of this chapter will focus on national identity and its development in Austria and Canada.

Present day Austria perceives itself as an autonomous and self-conscious nation especially with regard to its relation to Germany. However, the predominant propensity in the social, political and also to some extent historical sciences has been to project the Austrian nation as a primordial entity into the past, which presents an objectivist fallacy (Bluhm 1973, Katzenstein 1976 in Ichijo 2005: 55). Modern nationalism in Austria, rising from the early 19<sup>th</sup> century onwards, ranged from an Empire-oriented, regional Austrian to a pan-German nationalism.

Following the collapse of the Habsburg Empire after World War I the First Austrian Republic defined itself as an Austrian nation, while considering itself as an integral part of the German Reich, though hindered by the Allies to join. The Nazi Third Reich annexed Austria in 1938 which

substantial parts of the Austrian population saw as a fulfillment of national aspirations. The following experience of Nazi totalitarianism and World War II prepared the ground for a separate formation of an Austrian nation and Austrian national identity. In the time following the Second World War this developing Austrian national identity separated itself from its double imperial legacy of the Habsburg as well as the German empire (Ichijo 2005: 55).

The following steps in the transformation of a Habsburg imperial identity to an Austrian national identity can be identified:

#### 1. Austrian Nation-Building and National Identity until 1945

It is important to note that, unlike for example Saxons or Swabians, Austrians in their ethnic composition did not form one homogenous ethnic group. Rather they can be characterized as an ethnic conglomerate held together by a common political estate from the Middle Ages onwards up to the modern period (ibid. 56).

The cause for the decline and eventually final dissolution of the Habsburg Empire was basically the rise of Central European nationalisms. Interestingly enough in comparison to the growth of other peripheral nationalisms in the Empire a specific Austrian patriotism or nationalism remained the weakest of all. When Austrian nationalism emerged it had been a mixture between Austrian, consisting of imperial and regional layers, and Great German components. It took the experience of the Second World War to finally undermine the predominant Great-German orientations and identifications and therefore prepare the way for the formation of a separate Austrian identity (ibid. 56-61).

#### 2. The Constitution of a Separate Austrian Nation and National Identity (1945-2000)

Through the experiences during wartime and with the formation of an independent, democratic and economically stable Austrian state a separate and independent Austrian national identity gradually developed. However this took place in a process and cannot be seen as an immediate outcome of the war (ibid. 62). The following statement is of high interest "The separation of an Austrian national identity from the Great-German heritage included also a separation from the cultural legacies and moral components of the German Kulturnation. The Austrians defined themselves, due to the ambiguities of the national meaning of the German cultural legacy, primarily as a Staatsnation and, at the same time, substituted gradually the German Kulturnation with an Austrian Kulturnation. This substitution included a purification of the German and Habsburg imperial components, the re-definition in a small-Austrian sense, and the transformation of regional and local traditions to national cultural salience. But the former German Kulturnation remained a layer of Austrian national identity either in its ethnic-völkisch or in its cultural enlightenment components" (ibid. 63).

Even if Langewiesche says that the remembrance of the common history of Austria and Germany can be understood as an attack at the national identity (Langewiesche 2000: 172) it can be said

that Austria is coming more and more to terms with its history. However, for Austria as a nation state and Austrians it is very important to be clearly distinguished from Germans.

Further consolidation of an Austrian national identity was accompanied by a growing cultural and political pluralization (growth of the freedom party and the green party) as well as an increasing dissolution of the traditional corporate power sharing system between conservatives and social democrats after 1990. A rising impact of immigration and immigrant ethnic minorities was important causing the transformation of the traditionally Great-German oriented right-wing nationalism into an Austrian nationalism as a reaction (Ichijo 2005: 64). The freedom party substituted the Great-German legacy of the rightwing for an Austrian national identity. Along with this transformation, the German-Austrian ambiguities in the conception of an Austrian cultural nation also became reduced (Bruckmüller 1996: 65 in Ichijo 2005: 65).

One other part of the growing consolidation of an Austrian national identity is the diminishing role of internal boundaries vis-à-vis historical minorities and the strengthening importance of external boundaries vis-à-vis the increasing number of immigrants. Earlier the comparatively small minorities of Slovenians, Croatians and Hungarians had a conflictive role in Austrian national identity. However, they have been subsequently replaced by the growing influx of immigrant minorities and their impact on national identity. A polarization between the “we” and the “others” prevails (ibid. 65).

When setting focus on Canada one might be tempted to project today’s Canadian nation state concepts, national identity as well as discourses, approaches and regulations towards immigration into the past. However, Canada needed some time and shifts in discourses and in its national identity until it developed to be the rather open and multiculturalist nation it is today.

Before dealing with Canadian national identity it is necessary to mention that there are two basic approaches to assessing Canadian (national) identity, unitary and segmentalist perspectives, and that most of the key issues in Canadian society can be understood in terms of this unitary-segmentalist debate. On the one side there is the unitary approach or pan-Canadian approach, which contends that society is made up of individuals who find their collective identity in belonging to the national society. It devalues regional or ethnic loyalties and characteristics as well as considers ethno-linguistic and regional cultures a negative phenomenon on the ground that they imply a fragmented and weak national identity. On the other side the segmentalist approach focuses on those groups or communities which are founded on common ground such as regional, racial, linguistic, occupational or cultural similarities. They regard group commitments the building blocks of Canadian society rather than individuals. Furthermore they do not want to dissolve these groups even when they compete with allegiance to the larger society. Anglophones, especially from Ontario, tend to the pan-Canadian approach whereas Francophones, First nations and residents of hinterland regions are far more likely to prefer the segmentalist view (Hiller 2005: 277-278).

Moreover, one can identify some key contradictions or tensions at the heart of debates about the aforementioned issues, which are crucial for Canadian (national) identity and the nature and character of Canadian society. First and foremost the topic homogeneity or heterogeneity raises several questions: Does everyone have to have similar loyalties or tolerate diversity? And if, how much diversity should be tolerated or encouraged? What about immigration policy and language policy? Does multiculturalism promoting plurality of ethnic identities detracts from a single Canadian identity? How to define Canadian? The question of legitimacy or illegitimacy of central state decisions and the role of majority rule and minorities arises. Another is the ever going discussion of centralization or decentralization (e.g. central government establishes policies promoting societal uniformity and homogeneity to prevent societal fragmentation, relationship of regional/local identities and national identity) (ibid. 275-277).

Keeping the aforementioned in mind the following central factors are at the heart of the development and formation of the evolving national identity in Canada.

One is the role of the colonialist legacy. For the most part of its being Canada defined itself as a British nation admitting French parts, which seems stunning given the high proportion of French Canadians. British sponsorship of Canada has produced a legacy of British influence (e.g. the parliamentary system, British law, the Governor General as the monarchy's representative in the government which was filled for the first time by a Canadian in 1952). Until the Canadian Citizenship Act in 1947 all Canadians were defined as British subjects. Canada, its institutions, nation state and culture were in every sense, whether it be cultural, political, societal or symbolic, built after the British example. Even though British sponsorship has weakened considerably and Canada moves farther away from its colonial legacy, a special relationship with the mother country still prevails and the colonial past is part of the identity (e.g. images of British royalty on Canadian coins). However, Canadians do not necessarily agree on the contemporary role of the monarchy, which leads to the question of the evolution of symbols of societal and national unity. For many years Canada's national identity as a political entity was shaped by its position as a sponsored society. Symbols of societal unity were those of the mother country: the Union Jack as Canada's flag (replaced by the Maple Leaf in 1965) and "God Save the Queen" (replaced by "O Canada" in 1980). Disputes evolve around which symbols should prevail and issues like defining words (e.g. distinct society, founding peoples), language use (bilingualism, monolingualism, and non-official languages), public policies (immigration, multiculturalism), objects (flags, monuments), special holidays (Canada Day, St-Jean-Baptiste Day) and constitutional issues (self-government, decentralization, federal centre and the regions). It can be said that a national rather than a sponsored identity developed slowly and has only emerged in recent years, whereas the shift to Canadian symbols shows a transformation to a new national identity (ibid. 278-291).

Another important factor for Canadian national identity was and still is its proximity and relation to

the USA. Canada was created to be a North American political entity distinct from the USA and this is central to understanding the formation and evolution of Canadian identity. Canada tried and tries to differentiate itself from the USA. This differentiation and being “not-American” is crucial for Canadian national identity and is clearly strengthening the national cohesion and helping to sustain Canadian identity (Estel/Mayer 1994: 135).

Some other essential points for Canadian national identity are the internal cleavages within Canada and its society, where ethnic and regional loyalties, language, ethnicity and region function as critical variables, which is not uncommon for states with a multiethnic population. The topic of Québec, referendums and threats of separatism are the most important internal factors. French-Canadian national aspirations and separatist agitations forced not only the recognition of them as a founding nation but also the installation of bilingualism, i.e. French as one of the two official languages (however only a small percentage of Canadians are bilingual or have significant capacity in both languages). In Québec regional identification is linked with ethnic group loyalties and French-Canada has several clashes with English-Canada over different topics, conceptions of society and (national) identity (e.g. bilingualism, the use of English in Québec and multiculturalism) (Hiller 2005: 278-291).

Immigration policy is another controversial topic with a high importance for Canadian national identity. Canada was and still is a major immigrant-receiving nation with an active recruitment of immigrants. Until the legal changes in 1971 the selection process was not without prejudices and racist undertones. People with certain cultural, ethnic and national backgrounds were deemed more desirable than others. In public conception recent immigrants were not perceived as a cultural enrichment, but seen more or less, depending on their region of origin, as a threat to society. Cultural heterogeneity or pluralism had no place in the national identity, but were seen as menacing national interests and Canada's national unity, society and character. Hence through the new law not only discriminatory entrance barriers had been abolished but also the national character and identity of Canada has been put up for negotiation and far reaching changes took place in discourses of national identity. One very interesting discourse shift in relation to immigration is from Anglo-Dominance and later Anglo-Conformity as a core feature of Canadian identity to multiculturalism, which itself developed over time. The introduction of multiculturalism was not merely the introduction of a new government policy, but a turning point where Canada departed from its British dominated national identity and character. So assuming that the introduction of multiculturalism had been a logic way of dealing with the heavy immigration and that it was comparably easy for Canada since it had been a diverse country ever since is inaccurate. Whereas immigration and multiculturalism can be seen as important for the national identity, some deem the integration of the multi-linguistic and multicultural population into Canadian society as well as the development of a national identity below them as causing problems for the nation state development of Canada (Koestler 1995: 102). Since multiculturalism as well as Anglo-Dominance

and Anglo-Conformity is essential for understanding Canada's national identity and approach to immigration it will be dealt with in detail later in this chapter.

Besides nation state concepts, national identity constructions as well as the dualism of the own and the foreign another crucial point is the place immigration has in the collective memory.

History is a legitimizing factor for most nation state concepts, state nation and cultural nation types alike. The self-understanding and behavior of people belonging to a nation and/or a nation state rests upon history, memory and experience of the past in present as well as in the future. History plays a role in the development of nation and nation states in so far as it constructs a generation-spanning community, which reaches beyond the life of the single individual (Hobsbawn 1983).

However, even the confrontation with considerable levels of immigration in many Western European states, the impressive immigration past of most Western European countries and the change to being de facto immigration countries (from as early as the middle of the 19<sup>th</sup> century on or even earlier) has barely influenced the collective memory. Neither has it created awareness that Western Europe not only is but has long been a typical immigration region. Immigration is simply not part and parcel of Europe's collective memory (Lucassen 2005: 13-14). There might be a concept of "permanent exception" blocking a broad acceptance of migration as an integral part of European societies. The dominant ideology of the nation-state in the concept of homogenous nations with stable populations in part still exists and profoundly influences the self-conception of Western European states and their inhabitants. Official recognition of a many-cultured past has only been achieved in a few Western European states and in general neither the politicians nor the public search for a past that is different from the currently imagined national one (ibid. 14).

The denial of a vibrant immigration past and the mindset that migration is not a normal phenomenon is an essential point in understanding why European states in general are much more wary of immigration and shed some light on their refusal or difficulties to accept the reality of being de facto immigration countries (Lucassen 2005:). The consequence is that immigration is more regarded as a threat than as a chance, and the real or perceived cultural differences of newcomers are seen as a problem that has to be solved through integration policies and measures, possibly resulting in assimilation. If foreign people and cultures come into the own nation state (and possible perceived national homogeneity) there is always the chance for a tendency to either assimilate and „melt down“ foreigners or reject them in the sense of collective self-preservation. However various forms are possible, the self-perception can also be universalistic and open (Langewiesche 2000: 51).

Since nation state concepts and national identity are broad and hugely complex topics this part of the chapter could only focus on some selected topic areas deemed relevant for this thesis. That nation state concepts and especially national identity are evolving over time can be clearly seen both in Austria and Canada, which have some clear-cut differences as well as similarities.



However, dealing with nation state concepts and national identity leads straight to the topic of citizenship, which will be the point of interest in the following part of this chapter. After all, the political basis for citizenship is the nation state (Koopmans 2005: 250) and the essence of the nation state is the institution of citizenship, which comprises the integration of all its population into the political community and their political equality as citizens (Bauböck 1998: 224).

## 4.2 Citizenship

Citizenship has clearly become a central category in the debate about immigration and ethnic relations. To have a close look on citizenship configurations offers a good ground for the explanation of national differences in immigration and related matters, e.g. amongst others immigration regulations, integration and recognition of cultural difference.

The term citizenship per se describes a legal and protective relationship between an individual and a state, out of which certain (civic) rights (e.g. the right to vote) and duties (e.g. tax liability) arise. All citizens are formally declared as equals and the inclusion of all members of a polity is aimed. Normally naturalized and native-born citizens are equally entitled to all powers, rights and privileges of a citizen, but also are equally subject to all the obligations, duties and liabilities citizens have. Furthermore, citizenship rights are a basis for a strong inclusionary power of society: “the concept of citizenship [...] refers to full membership in what I shall call the societal community” (Parsons 1966a: 709 in Mackert 1999: 77). However, also the membership in the political community is defined by citizenship status and citizenship rights (Bauböck 1998: 17). Citizenship can be seen as forming a dynamic relation(ship) between strangers which are getting to be neighbours in the political process (Mackert 1999: 24). Due to these aspects nationality acquisition is a very important factor for immigrants. Not only it makes them fully equal before the law but also lays foundation to include them in the societal and political community of their residence country.

Hardly any attention will be given to concepts of post national citizenship, transnational citizenship or global citizenship. Despite arguments that transnational migration is eroding the traditional basis of nation-state membership, which is citizenship (Jacobson 1996: 8) or the claim that national citizenship is no longer a significant construction (Soysal 1998: 208) (both in Koopmans 2005: 237) the live chances of people are still heavily depending on which passport they have, where they were born, where they live and what their nation state is able to provide in security, goods, services and social, cultural etc. environments. Populations remain territorial and are subject to the citizenship of a, more or less autonomous or sovereign, nation state.

Countries have different approaches and regulations regarding nationality acquisition. However, amongst others the following indicators are important:

1. Number of years of residence before naturalization can be requested (certain residence period required)
2. Welfare and social security dependence as an obstacle to naturalization (social security and welfare benefits)
3. Automatic attribution or facilitated naturalization for the second generation (jus soli regulations)

4. Permission of double nationality
5. Privileged access to nationality for co-ethnics (German “Aussiedler“ as a good example for a strong ethno-national character of a citizenship law)
6. Actual naturalization rates (ibid. 35).

Others are informal factors (e.g. long and bureaucratic naturalization procedures), fulfillment of a number of additional criteria or the applicant’s social and economic situation as a possible barrier to naturalization. Additional requirements might be a certain degree of integration in the cultural domain as a precondition for naturalization, where language proficiency or at least a basic knowledge of the national language can be an essential point (ibid. 51).

The requirements and approaches for citizenship acquisition will vary from country to country. However, one can generally distinguish between more culturally pluralist compared to more assimilationist conceptions of citizenship. The first includes a strong recognition of cultural rights as well as differences and relies on civic culture, political institutions and equal civic rights. The latter is often based on ethno-cultural belonging and offers access to the national community or full rights only under a strict set of conditions, where the willingness to give up one’s original ethno-cultural allegiance is one of them (ibid. 72). A contrast can be seen between conceptions of citizenship insisting on conformity to a single cultural model that is to be shared by all citizens and others with a culturally pluralist conception that seek to retain and stimulate diversity and accept different cultural patterns and backgrounds (ibid. 9-10).

To specify it even more one can distinguish three different types of citizenship regimes, with each of them defining a specific institutional and discursive setting especially with regard to political contention over migration as well as ethnic relations.

The first regime, the “ethnic“ or “exclusive“, either denies immigrants and their descendants access to the political community or has high (institutional and cultural) barriers to naturalization (e.g. Germany, Austria, Switzerland, Israel). Ethnic bonds are seen as the basis for the constitution of the political community. The second, the “assimilationist“ or “republican“ type, offers easy access to citizenship (partly through attributing citizenship on the basis of the territorial principle through a *ius soli* acquisition at birth) but requires from immigrants a high degree of assimilation and allegiance in the public sphere and furthermore gives little or no recognition at all to their cultural differences (e.g. France, “melting pot“ approach in the USA). The third, the “multicultural“ or “pluralist“ regime, provides an easy access to citizenship and recognition of the right of ethnic minority groups to keep their cultural differences (e.g. Canada, Australia) (ibid. 8).

Even though states regulate the procedure of having or getting citizenship in different ways, two further principles shaping the conditions of access of immigrants to citizenship, *jus soli* and *jus sanguinis*, can be contrasted:

- 1) The right to citizenship based on parentage (*jus sanguinis* = lat.: right of the blood), where the basis is nationality and an ethnic conception. Since citizenship attribution is by descent the child gets the citizenship of his parents/mother/father (e.g. Austria, Switzerland, Germany). In most cases immigrants have to master relatively high barriers to nationality acquisition.

*Jus sanguinis* regulations partly explain the high numbers of people with a foreign citizenship living in certain countries and not all “foreigners” living in Europe immigrated. Contrary to the USA or Canada in Europe due to the *jus sanguinis* or generally strict(er) citizenship regulations immigrants are not predominantly naturalized. A high proportion of children born to foreign parents in the inland still have to hold the citizenship of their parents and fall under regimes of alien legislation because they have remained foreign citizens.

- 2) Citizenship based on the territorial principle (*jus soli* = lat.: right of the soil), where the child automatically and unconditionally gets the citizenship of the country in which national territory it was born (e.g. Canada, USA). This conception is furthermore frequently characterized by a relatively easy access to citizenship, in particular the possibility of citizenship acquisition after a comparatively short residence period.

The legislation on naturalization and citizenship has substantial impacts on the statistical data relating to international migration. The comparison of the percentages of resident foreigners between countries with *jus soli* or *jus sanguinis* legislations is different, because the latter includes 2<sup>nd</sup> and 3<sup>rd</sup> generations of immigrant descent people born in the country (Bauböck 1998: 20).

These two differing approaches clearly apply to citizenship acquisition in Canada and Austria. Focusing on the eligibility and conditions to acquire citizenship clear-cut differences can be seen between Austria and Canada. Whereas especially the afore-mentioned *jus soli* and *jus sanguinis* regulations and the contrast between ethnic and civic forms of citizenship let Austria and Canada be standing almost diametrically opposed to each other.

Canada is a good example for a *jus soli* citizenship type. Children unconditionally get the Canadian citizenship when born in Canada. In 1947, as Canada saw itself more and more as a sovereign nation, a new Canadian Citizenship Act came into force legally recognizing Canadian citizenship. There was a discriminatory distinction in treatment between British subjects and other immigrants applying for Canadian citizenship. Whereas all non-Canadians had to wait a five year period before naturalization, a British subject could get the Canadian citizenship without taking the oath of allegiance in a formal ceremony or speak before a judge. Because of the shifting numbers towards non-British immigrants in the 1950s and 1960s this began to be criticized. It had also been discussed whether it is justified to see citizenship as a privilege and not as a legally acquired right.

After the Immigration Act of 1976 came into effect in 1977 there had been a new Citizenship Act, whose provisions on nationality are still in force. It abolished all unequal treatment of applicants and improved access (Knowles 2000: Chapter 6). Today to become a Canadian citizen an immigrant must have a permanent resident status and has to have lived in Canada for at least three years in the four years preceding the application (with the exception of children under 18). However, one can count time spent in Canada before getting the permanent resident status if it is in the four-year period. A certain level of language proficiency in one of Canada's official languages, English and French, is mandatory to become a Canadian citizen. Having a criminal history is an obstacle to naturalization. Immigrants applying for citizenship have to prove their knowledge of Canada in a citizenship test, which is a multiple-choice test in one of the official languages about Canadian culture, history, responsibilities and rights as a Canadian citizen. If citizenship has been granted, it is obligatory to attend a citizenship ceremony, during which a citizenship certificate is received and an oath of citizenship has to be taken. This oath is seen as a personal commitment to accept the responsibilities and privileges of Canadian citizenship.<sup>20</sup>

Austria's conception of citizenship is a clear *jus sanguinis* concept. In 2006 amendments to the nationality law entered into force and a citizenship test on culture, history and politics was introduced. Spouses of Austrians now have to wait six years of residence and five years of marriage. Children and grandchildren born in Austria do not acquire citizenship by birth but are able to become citizens through naturalization. Applicants must now prove a sufficient income, health insurance, the fulfilled integration agreement and a written multiple choice test on the political system and the history of Austria. The state has to deem the immigrants personal and professional integration as sustainable. Obstacles for naturalization are for instance a more than three-month prison sentence and the use of welfare benefits within the last three years. Furthermore the applicant has to have an orientation towards social, economic and cultural life in Austria and towards the basic values of a European democratic state and society.<sup>21</sup>

There are different ways of obtaining citizenship in Austria. First there is the granting of citizenship to persons who acquired a legal claim. Citizenship can then only be refused in presence of legal impediments to naturalization (e.g. court convictions, serious administrative infringements). A legal claim to citizenship is obtained after thirty years of uninterrupted main residence or fifteen years of legal and uninterrupted residence with proof of sustainable personal and occupational integration. Besides applying for naturalization after six years of legal stay is possible for persons married to an Austrian citizen for five years (citizenship through extension), for persons with an official right to asylum, for applicant holding a citizenship of an EEA member state, in cases where the applicant was born in Austria or in special cases (extraordinary achievements or in the interest of Austria). Persons without having a legal claim to citizenship have the possibility to be granted citizenship at

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<sup>20</sup> <http://www.cic.gc.ca/english/citizenship/index.asp> Dec 8, 2010

<sup>21</sup> <http://www.help.gv.at/Content.Node/26/Seite.260420.html> Dec 8, 2010

the authorities' discretion, whereas relevant factors for the conferral are the integration and overall conduct of the applicant as well as the public interest. Legal residents are eligible to apply when fulfilling the condition of a period of ten years of legal and continuous stay in Austria with at least five years with a settlement permit. Precondition for a naturalization as an Austrian citizen is having knowledge of German and applicants must renounce their original nationality.<sup>22</sup>

The renunciation of former citizenship leads straight to the question of dual citizenship. Whereas it is possible to retain its original citizenship in Canada in Austria the legal situation is a different one. Applicants have to show proof of renouncing their previous citizenship before getting the Austrian one because the Austrian law strictly limits dual citizenship. Dual citizenship is only possible for those who acquire another nationality at birth or those born with an Austrian and a foreign parent, naturalized citizens who were unable to renounce their existing nationality and some other very special cases (e.g. people with extraordinary achievements, professors at Austrian universities). However, also Austrian citizens who naturalize in another country have to renounce their Austrian citizenship even if the other country legally allows dual citizenship. There is the possibility for a permission to retain Austrian citizenship, but it is quite difficult to get since it has to be in the interest of Austria to grant dual citizenship in the particular case.

Processes, politics, accessibility of citizenship and conditions of citizenship acquisition differ widely among countries. And even countries that facilitate naturalization and that grant citizenship to the locally born children of immigrants are not without tensions, but integration has in general been smoother, in particular for the second generation (Carmon 1996: 52). Nevertheless, easy formal access to citizenship is not only a concept of a multicultural, pluralist approach since for example the French citizenship regime couples it with the expectation that new citizens of migrant origin will assimilate to a unitary, national political culture (Koopmans 2005:8).

After all, one crucial point is that immigrants cannot be incorporated into the host society as long as they are viewed as temporary residents, that is the host society in effect rejects their permanent incorporation (Weiner in Carmon 1996: 49). However, the requirement to give up one's old nationality can present an important material but mostly psychological barrier for naturalization on the side of potential applicants (Koopmans 2005:36). To go through the process of redefining their identity, the willingness to change one's identity or add a second identity is shaped not only through the immigrants wish to be incorporated but also through the willingness of the host culture to accept the immigrant into the community. So as long as the host culture regards immigrants as permanent aliens and denies citizenship immigrants will cling to their existing identities (Carmon 1996: 53). If citizenship is made accessible to immigrants immigrant communities might be more likely and willing to see themselves as nationals of their new homeland. Dual citizenship, where the new citizenship of the new home country adds to the original citizenship could facilitate the process

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<sup>22</sup> <http://www.wien.gv.at/english/administration/civilstatus/citizenship/claim.html> Dec 11, 2010

of incorporation and help to include immigrants as citizens and not impede it. This might present a crucial point of consideration for Austria and its citizenship law.

However, in general it might be better to not conceive citizenship in static categories of typological models or regimes but as a conceptual and political space in which different actors (nation-states as well as sub-national actors like political parties or civil society actors) and policies can be situated and developments can be traced over time (ibid. 9). One example is Canada's development over the last century and another is Germany introducing *jus soli* elements to its *jus sanguinis* regulations, which is a good example for the constant flux in discourses and concepts.

So far different conceptions of citizenship have been elucidated. Furthermore it has been illustrated that citizenship is a formal as well as legal status and that admission to membership is regulated in an explicit procedure, where each state develops a set of rules how citizenship can be obtained, lost and transmitted. However, how it is legally defined to be a citizen or to become one is not only a matter of the legal situation. It is a way of how a society understands itself and how they allow entrance (Bauböck 1998: 17). Modern citizenship includes not only a set of rights and duties but also gives individuals a formal, legal identity, linking citizens to the nation-state (Mackert 1999: 11). Cultural membership is mostly informal and implicit and the reproduction of dominant cultures through state legislation, institutions and policies implicitly defines other cultural groups as minorities or as foreign (Bauböck 1998: 46). Citizenship is not only a substantial criterion for the distinction between natives and foreigners (whereas foreigners can further be divided into different categories, e.g. EU-citizens, "privileged" foreigners like third country relatives of EU-citizens) but the underlying principle of the national model of citizenship is inclusion and exclusion or more specifically the question of belonging or not belonging of persons to the entirety of citizens, the society and the nation. Therefore discourses in the field of citizenship (and immigration) are always discourses related to questions about inclusion and exclusion.

However, it is not only a discourse about friends and fiends, where public discourse decides who deserves inclusion and who have to be excluded, who belongs to the civil society and who is seen as standing outside (Alexander 1992a:290 in Mackert 1999: 115), not merely and matter of inclusion or exclusion in regard to society, nation or access to membership in a political community. Moreover, it is also a question of making claims and affecting the broader context of claims making in immigration and ethnic relations politics, integration and other core issues. Immigrants who do not have the citizenship of their new residence country stay excluded from the right to vote and other civil rights as well as are unable to build up politically influential lobbies or ethnic voting blocks. Inclusion or exclusion influences who is included and who is not, affects which persons and collective identities can gain visibility, achieve legitimacy in the public discourse and voice demands. The legitimating discourses about citizenship, cultural notions of belonging and national identity determine which points of view about the relationship between immigrants and the state and host society are held to be more sensible, realistic and legitimate (Koopmans 2005: 234). The

huge differences in the claims making process in different countries and the different types of actors can be traced to differences in the national configurations of citizenship. As a result of cross-national varying discursive structures in relation to models of citizenship and concepts of national identity similar claims (e.g. demands for recognition of cultural difference, religious matters, residence rights, distribution of material or cultural resources etc.) have different chances in regard to attention (e.g. media, visibility), reactions by other actors (resonance) and public legitimacy (ibid. 19; 32-33). So the significant cross-national differences between the levels and forms of claims making by immigrants are best explained by the type of citizenship that a country uses for (politically) including immigrants into its national community. In this regard it is interesting to have a look on former guest-worker countries, partly tending to be ethnic-assimilationist (e.g. Switzerland, Germany and Austria) in comparison with more “open” countries (e.g. Britain, the USA and Canada). It clearly is easier for states to deny equal treatment as long as most immigrants are foreign citizens and their claims are defined in terms of tolerance for the cultural or social differences of the guest than claims in the name of equality of citizens (ibid. 20). The above mentioned factors and implications clearly should be considered when designing citizenship regulations.



## 4.3 Multiculturalism

I want to open this chapter with the following quote “Few issues associated with migrant absorption have generated as much political controversy as the issue of ‘multiculturalism’, an ill-defined, contentious term that arouses passions among its supporters and opponents” (Carmon 1996: 55). Clearly, multiculturalism is a highly controversial and emotive term, loaded with values, from time to time used in a rather vague fashion. Since multiculturalism is a key factor in Canada’s immigration discourses in this part of the chapter emphasis will be put first on multiculturalism in general, definitions, criticisms and comments and then in particular on multiculturalism in Canada.

Multiculturalism is not only a theoretical approach but also a policy which has been adopted in several (mainly Western) nation states. Nowadays it is an empirical reality that the (metropolitan) cities of most Western countries are populated by people of different religions, ethnicities and backgrounds and modern societies increase in cultural, religious, ethnic, lingual and other diversity. Although this fact might be criticized, it is a situation that has largely normalized politically and socially up to the extent that it does not provoke reactions from the majority in everyday life. One way to deal with this fact is (official) multiculturalism, where states have official policies that deliberately and explicitly recognize and protect immigrants as distinct ethnic groups (Koopmans 2005: 243). It includes political claims and intentions to find ways to ensure the peaceful and beneficial social coexistence and living together of different cultures and ways of life through mutual respect, tolerance and appreciation.

Generally there are two forms of multiculturalism, a descriptive and a normative. The first understands it in terms of cultural diversity and the latter includes a positive opinion and support, sometimes even celebration (as in the Canadian case), of diversity in society. Characteristically this is based on for example the right of different groups to recognition, respect, the right to be different as well as the assumption that moral and cultural diversity has positive effects to the society as a whole. However multiculturalism as a term is understood in several ways including descriptive and normative approaches (Heywood 2007: 313).

Some multicultural societies are nation states constituted by people whose identity is characterized by a common language and homogeneous culture and traditions. Other population groups with different origins and backgrounds, with other ways of life and thinking as well as moral values appear in contrast and are labeled as immigrants or foreigners. Multiculturalism is one policy option to counteract problems arising out of that situation. Even though the term multiculturalism is closely linked to the term (im)migration it could also be an option for states that do not have one uniform language or culture and are made up by several population groups.

Approaches to multiculturalism are various and depend on the different existing discourses in the respective nation states. However, the concept of multiculturalism is not only manifold, but also

strongly criticized. It can be said that this criticism is clearly not limited to (far) right and conservative positions, but comes from several perspectives. Below I want to take the chance and introduce some (questioning) positions, interesting comments as well as perceptions of possible limitations and shortcomings of multiculturalism. However, criticism on multiculturalism cannot automatically be understood as rejection and opposition to immigration.

Any form of multiculturalism necessarily embodies assumptions about the relation of people to culture (Carmon 1996: 228). Multiculturalism is not only about cultural identity, in the sense of having the right, within defined limits, to express and share its own cultural heritage, language and religion. It is about the right to equality of treatment and opportunity, the removal of all barriers regarding race, ethnicity, religion, culture, gender, language or place of birth. Economic efficiency is important too, particularly the aim to maintain, develop and effectively take advantage of the skills and talents of people, no matter which background they have. So Multiculturalism is not only a confession to rights of minority groups and the recognition of cultural demands, but could also serve as a foundation for civic rights and clearly includes rights for equal opportunities and social justice. Important is that the main difficulty with combating disadvantages based on ethnic, cultural, or racial difference has not been a lack of policy instruments, but rather that these instruments have sometimes reinforced and even solidified the very disadvantages they were meant to tackle. To label immigrant groups as disadvantaged minorities has led to a process of racialization and minoritization which has tended to reproduce race and ethnicity as bases for social disadvantage and discrimination. Taking ethnic and racial criteria as a basis for policies to combat disadvantage and discrimination based on those two grounds has often been similar to try driving “the Devil out with the Beelzebub” (Koopmans 2005:14-15). It might be added that “[...] social ‘reality’ is not an infinitely plastic artifact, and the efficacy of policy depends on its compatibility with the nature of the social reality it is designed to modify” (Carmon 1996: 228).

Terkessidis states about Germany, but I would not limit that to the German case, that the “own” is nevertheless seen as intact. Foreignness and otherness is still connected to those who are not from “here” and who don’t belong to “us”.<sup>23</sup> Being foreign somewhere is mostly understood as being culturally different. Cultures are perceived to be quite independent from each other and outwardly visible characteristics, for example appearances, customs and clothes are seen as the embodiment of a non-visible substantial cultural communality, the identity. The main point of the discussion revolves around the cohabitation of different cultures (“Zusammenleben der Kulturen”). Looking at the German discussion some opt for a multicultural approach to solve immigration issues, others are in favor of the concept of a guiding culture (“Leitkultur”). Some argue that multiculturalism fosters parallel societies and a side by side of population groups, whereas “Leitkultur” should be understood like a consensus about norms and values similar to house rules.

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<sup>23</sup> [http://www.bpb.de/publikationen/AXUE2O,0,Der\\_lange\\_Abschied\\_von\\_der\\_Fremdheit.html](http://www.bpb.de/publikationen/AXUE2O,0,Der_lange_Abschied_von_der_Fremdheit.html) Apr 3, 2010 Terkessidis, bpb, Aus Politik und Zeitgeschichte B 12/2002

Nevertheless, this concept is highly contentious and carries strong notions of a homogenous population and culture which expects certain subordination from foreigners. However, in both views traditional concepts of culture implicitly remain fundamental, expressed through several commonly used phrases like “cultures get in contact with each other”, “children are growing up in two cultures” and “people maneuver between cultures”. In the discussion and the discourses it appears that everybody agrees that the cultural differentiation of the society is a fact and that the main point of discussion is how to assess this fact (either as positive or something that has to be revised and seen in the context of national identity) and that for policy makers the task is how to organize this difference.<sup>24</sup> One important remark and main point of criticism is that behind multiculturalism traditional concepts of culture (re)emerge unnoticed.

Speaking about how to organize this obvious difference I want to refer to Koopmans (2005). He states that in the recent past an incontrovertible political consensus supporting multicultural policies seemed to exist. However since about ten years the apparent benefit of multiculturalism, both as an idea and as a policy, no longer appears self-evident to policy makers across Europe. Moreover, multicultural policies in the strict sense were, with some exceptions, in many countries less of a reality and more of a normative rhetoric designed to present a cozy image of mutual tolerance. This multicultural rhetoric may have benefits in influencing national self-understandings, tolerance and membership in the political community, but the extent to which this can also serve as a policy for social integration is limited (Koopmans 2005: 243-244).

A good example on social consequences and quite revealing in this respect is Dutch multiculturalism compared to the position of immigrants in Germany. It is interesting that when assessed by social outcomes for immigrant populations the existing lack of political rights for Germany's second-generation immigrants have not prevented them from achieving significantly higher levels of employment and experiencing less segregation in schools, less dependency on welfare and less convictions of crimes than their counterparts in the multicultural Netherlands (Thränhardt 2000, Koopmans 2002). In Germany these advances of immigrants could have been made partly through collective action and participation in trade unions offsetting their formal exclusion from the most visible parts of the political arena. The Dutch case shows that political approaches based on inclusive formal citizenship with differential group rights alone are no guarantees for immigrant integration into society. It might even be the contrary in so far that national ideologies of multiculturalism may simply serve to reproduce and reinforce national myths about the presumed tolerance of the native majority public and society, leading to complacency about the reality of immigrant participation in society. In certain situations and cases the inability of the reality of overt multicultural policies to meet the expectations set by the normative rhetoric might bear a danger of renationalizing tendencies (Koopmans 2005: 245).

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<sup>24</sup> [http://www.bpb.de/publikationen/AXUE2O,0,Der\\_lange\\_Abschied\\_von\\_der\\_Fremdheit.html](http://www.bpb.de/publikationen/AXUE2O,0,Der_lange_Abschied_von_der_Fremdheit.html) Apr 3, 2010

Supporters of multiculturalism argue that societies should give immigrants the rights to be different in private as well as in the public domain. Immigrants should not be perceived as a threat, but as enrichment, making societies more tolerant and open-minded. Transnational identities and ethnic-group consciousness are seen as positive because they lead to an empowerment of immigrants.

Opponents hold the opinion that multiculturalism impedes integration, undermines national unity as well as national and social cohesion, impedes social and cultural integration of immigrants, leads to the fragmentation of society and increases the social costs of immigration. The assumption that immigrants will keep the identity of their own group of origin supports criticisms and fears of multiculturalist opponents. Without intention to do so, supporters may boost fears that new immigrants will never fully integrate and, to some extent, will always remain outsiders. However, in reality that seems highly unlikely. Paying attention to past examples (the Irish in England, the Polish in Germany) and other historical and contemporaneous evidence it is highly doubtful whether the proliferation of cultures will lead to the persistence of distinct ethnic cultures separate from the established society, where descendants of immigrants remain visible and culturally distinct groups identifying as separate over several generations (Lucassen 2005: 213). Clearly cultural diversity has increased substantially through immigration from various places of origins, considerably changing the face of Western European societies. Since receiving countries are more sensible towards needs of immigrants nowadays, it is much easier for immigrants to maintain their culture, but „In the long run they will blend into western European societies, adding to it new flavors and colors, as so many migrants have done in the remote and recent past. Europe will be- as it has been for ages already- a multicultural continent” (ibid. 214).

Multiculturalism and the position, role and treatment of women lead to discussions. Examples are topics like forced marriage, domestic violence and abuse, wearing of religious clothing and especially the position of women in certain immigrant and religious groups. Whereas some argue that the acceptance of cultural diversity should not conceal the discriminating practices and gender roles in several immigrant groups and cultures, others hold the opinion that this is a paternalistic view of victimizing women of non-Western countries and can be seen as Eurocentric.

After providing an overview of several aspects of multiculturalism the rest of this chapter is devoted to Canadian multiculturalism. However, due to the enormous scope of this topic and the limited space of this thesis, attention could only be given to certain points.

Dewing and Leman (2006) interpret the concept of Canada as a “multicultural society” in four dimensions:

- Descriptively as a sociological fact referring to the presence and persistence of diverse racial and ethnic minorities who define themselves as different and potentially may wish to remain that way.

- Prescriptively as an ideology. Multiculturalism consists of a relatively coherent set of ideas and ideals relating to the celebration of cultural diversity in Canada.
- From a political perspective as a policy. Multiculturalism at the policy level is structured around the management of diversity through formal initiatives on the federal, provincial and municipal levels.
- As a set of intergroup dynamics and as a process, by which racial and ethnic minorities enter a competition to obtain support and funds from central authorities to achieve certain goals and aspirations.<sup>25</sup>

With regard to multiculturalism as a demographic and sociological fact Canada clearly can be described as a multicultural society, whose ethnic and cultural diversity is growing through increased immigration from non-traditional source countries (e.g. Asia, Africa, South and Central America) predominantly settling in Canada's urban areas (Ontario, especially Toronto, Montréal and Vancouver).

The demographic situation in Canada was subject to considerable change. During the time of Confederation the population was mainly British (60%) and French (30%), but by 1981 the British and French declined to 40% respectively 27%. In 2003 the percentage of people with British, French and/or Canadian ethnic origins dropped to 46% of the population. It is quite interesting that the category "Canadian" as an ethnic origin was introduced as an answer in census as late as 1996.<sup>26</sup> Canada's population grows steadily and its ethnic diversity is constantly rising.<sup>27</sup> Statistics Canada show in their Census of 2006 a total number of 6,186,950 foreign-born people in Canada, accounting for almost one in five (19.8%) of the total population with a sharp increase of the foreign-born population by 13.6% between 2001 and 2006.<sup>28</sup> This data clearly shows proof for further increased diversity. Especially in the large urban centers, but not only there, immigration had over a relatively short period of time considerably changed the composition of the population.

Seen from a demographical standpoint the multiethnic fabric of Canadian society can be divided into four main groups: the "first nations" (Aboriginal people, indigenous populations), the "founding nations" (Anglo- and French Canadians, the Charter groups, which are culturally, politically and numerically dominant, but declining in numbers), the European immigrants (immigrated to Canada at the turn of the 19<sup>th</sup> to the 20<sup>th</sup> century and after WWII) plus their descendants and the so-called "visible minorities", which are mainly people who immigrated in the last decades by means of the point system. They are defined as "persons, other than Aboriginal people, who are non-Caucasian in race or non-white in color" by the Employment Equity Act of 1995.<sup>29</sup>

<sup>25</sup> <http://www2.parl.gc.ca/Content/LOP/ResearchPublications/936-e.htm> Aug 8, 2010

<sup>26</sup> Ibid.

<sup>27</sup> Report on the Demographic Situation in Canada: 2005 and 2006, <http://www.statcan.gc.ca/pub/91-209-x/2004000/ta-bl-eng.htm> Aug 2, 2010

<sup>28</sup> <http://www.statcan.gc.ca/daily-quotidien/071204/dq071204a-eng.htm> Aug 11, 2010

<sup>29</sup> <http://www2.parl.gc.ca/Content/LOP/ResearchPublications/936-e.htm> Aug 8, 2010 and

However, multiculturalism is not only a sociological and demographic fact but also a government policy since its announcement in 1971. The development of Canadian multiculturalism as a public policy on the federal level can be divided into three development phases:<sup>30</sup>

The first phase had been the incipient stage comprising the period before 1971. Over time a shift in discourses and policy took place. Canada developed itself from a society and nation shaped by Anglo-Dominance and Anglo-Conformity discourses, with a strong expectance of immigrant's assimilation, to a society accepting ethnic diversity and conceiving it as part of Canada. These changes had been triggered by several developments. Especially legal developments are noteworthy. Since 1948 Canada adheres to the Universal Declaration of Human Rights, applying to everyone regardless of background, ethnicity, sex, race, religion, culture or ideology. It paved the way for the Canadian Bill of Rights, passed in parliament in 1960, which prohibits all discriminations based on origin, race, color, religion or sex. As an outcome in 1967 all racial discrimination provisions in Canadian immigration law had been abolished and followed by the ratification of the International Convention on the Elimination of All Forms of Racial Discrimination three years later. Other important factors had been the demands for recognition from French-Canadians in Québec and the subsequent establishment of the Royal Commission on Bilingualism and Biculturalism, resulting in increasing demands for recognition from the non-Charter and European descent population. Also in the post World War II era a massive influx of immigrants from Europe took place. Those two developments combined led to the formation of the so-called "third force".<sup>31</sup>

The second phase, the formative period of Canadian multiculturalism, took place between 1971 and 1981. The Royal Commission on Bilingualism and Biculturalism, set up to ease the conflict-laden relations between English- and French speaking Canadians, recommended that Canada and its government should recognize its bilingual and bicultural heritage and society. Furthermore policies and measures should be taken to preserve this character. Book Four of its report in 1969 recommends integration instead of assimilation, equal participation of immigrants in the institutional structure, full citizenship rights and the perception of ethnic groups as a cultural enrichment for Canada. Besides some criticisms of French-speaking Canadians special discontent about official bilingualism and biculturalism was felt by Canadians who did not claim English or French roots. To respond to the opposition of the "third force" the name of the policy was changed from "bilingualism and biculturalism" to "bilingualism and multiculturalism." In 1971 the federal government under the liberal Prime Minister Pierre Trudeau finally proclaimed the "Announcement of Implementation of Policy of Multiculturalism within Bilingual Framework" in the House of Commons, the predecessor of the Canadian Multiculturalism Act of 1988. This multiculturalism policy within a bilingual

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[http://www12.statcan.ca/census-recensement/2006/ref/rp-guides/visible\\_minority-minorites\\_visibles-eng.cfm](http://www12.statcan.ca/census-recensement/2006/ref/rp-guides/visible_minority-minorites_visibles-eng.cfm) Sep 14, 2010 and

<sup>30</sup> <http://www2.parl.gc.ca/Content/LOP/ResearchPublications/936-e.htm> Aug 8, 2010

<sup>31</sup> Ibid.

framework was intended as a core guideline for Canadian policy, making Canada the first nation adopting multiculturalism as an official policy and to actually put this concept into practice. The key objectives of the new official multiculturalism policy were the assistance for cultural, religious and other minority groups to retain and foster their identity, to help them overcome barriers to full participation, involvement and equality in society, promotion of exchanges and acquisition of language. Integration of non-Charter ethnic groups was the goal, not assimilation. At the beginning of the policy European-descent Canadians were dominating the ethnic mosaic and the policy was intended to recognize their contribution. Barriers to social adaptation and economic success had been mostly seen in linguistic or cultural terms. The rising number of visible minorities triggered a shift towards the removal of racially discriminatory barriers as the new main focus of multicultural programs, which meant fighting racial, cultural and religious discrimination and prejudices at all levels. Again, several changes in the legal and institutional field had been important. In 1973 a Ministry of Multiculturalism was created with the task to monitor the implementation of multicultural initiatives within government departments. After the adoption of the Canadian Human Rights Act in 1977 in 1982 the Canadian Charter of Rights and Freedoms has put equality rights in the Constitution and acknowledged the multicultural heritage in Canada.<sup>32</sup>

The third phase is the institutionalization of multiculturalism comprising the time up from 1982. Very important for the further development was the replacement of the British North America Act through the Constitution Act in 1982. This legislation includes the Canadian Charter of Rights and Freedoms, which in section 27 refers to multiculturalism stating that the Charter should be interpreted in a way consistent with the preservation and enhancement of the multicultural heritage of all Canadians. This has to be seen as quite important for the location of multiculturalism in Canada's legal system and society, e.g. for courts which sometimes need to balance individual and multicultural rights in order to make a decision. In 1984 the Special Parliamentary Committee on Visible Minorities wrote the widely known report "Equality Now!". In 1985 a House of Commons Standing Committee on Multiculturalism was build up, which in 1987 issued an extensive report calling for a new policy on multiculturalism and the creation of a Department of Multiculturalism. Through the Canadian Multiculturalism Act adopted by Parliament in 1988 a new multiculturalism policy with a clearer sense of purpose and direction came into practice and making Canada the first country in the world with a national law on multiculturalism. Multiculturalism was confirmed as a core characteristic of Canadian society, which plays a fundamental role in the decision-making process of the federal Canadian government. The goals of this act had been the preservation of culture and language, the reduction of discrimination, the enhancement of cultural awareness and understanding as well as change in the federal institutions. Cultural differences and identification with cultural heritage of choice should not pose an impediment for equal access and full participation for all Canadians in the social, political, and economic spheres. The Department of

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<sup>32</sup> <http://www2.parl.gc.ca/Content/LOP/ResearchPublications/936-e.htm> Aug 8, 2010

Multiculturalism and Citizenship was created in 1991 focusing on race relations and cross-cultural understanding, heritage cultures and languages as well as community support and participation. The main point of change was the shift of focus from cultural preservation and intercultural sharing (e.g. ethnic press, festivals, foods) to cross-cultural understanding as well as social and economic integration achieved through antidiscrimination, institutional change and affirmative action. However, this department was already split in 1993, assigning the multiculturalism programs to the Department of Canadian Heritage and the citizenship matters to the Department of Citizenship and Immigration. After increased criticism about multiculturalism policy the Department of Canadian Heritage undertook a review of its programs in 1995, presenting a revised program based on the following objectives: social justice through building a fair and equitable society, civic participation and identity in the sense of supporting a society that recognizes, respects as well as reflects Canada's diversity of cultures with the aim that all inhabitants can feel a sense of belonging. In 2002 the government introduced the annual Canadian Multiculturalism Day on June 27<sup>th</sup>. In 2005 "A Canada for All: Canada's Action Plan against Racism" had been announced by the government and is aimed to foster social cohesion as well as to strengthen Canada's human rights framework and federal leadership for the fight against racism and hate crimes.<sup>33</sup> In 2008 the multiculturalism program had been removed from the Department of Canadian Heritage and assigned to Citizenship and Immigration Canada to provide better coordination between the various governments' programs.<sup>34</sup>

Canadian multiculturalism is based on several principles:<sup>35</sup>

1. Fundamental acceptance and agreement with ethno-cultural diversity: This diversity is in essence assessed to be positive, not only because it is a fact of Canadian society but also because it is seen as potentially productive and beneficial. It is assumed that at large immigration has more positive than negative effects on the Canadian society as a whole.
2. Right for cultural difference: All people and groups have the right to retain and foster their own culture, religion and cultural characteristics. People have the right to ethnic identification, but no duty or even force. It is seen as mostly a private matter.
3. Principle of cultural equality and mutual tolerance: The various ethno-cultural groups are seen as equal, which constitutes the principle of mutual tolerance. The identification with the entire society should precede the identification with the group of origin, thereby forming a hierarchically structured double identity ranking the identification with Canada first and the identification with the group of origin second.
4. Security-contact-hypothesis: This right to difference is based on the social-psychological "security-and-contact-hypothesis" stating that the belonging and embedment in the own group

<sup>33</sup> <http://www2.parl.gc.ca/Content/LOP/ResearchPublications/936-e.htm> Aug 8, 2010

<sup>34</sup> Ibid.

<sup>35</sup> [http://www.bpb.de/publikationen/XPXZV2,0,0,Multikulturalismus\\_in\\_Kanada\\_Modell\\_f%FCr\\_Deutschland.html#art0](http://www.bpb.de/publikationen/XPXZV2,0,0,Multikulturalismus_in_Kanada_Modell_f%FCr_Deutschland.html#art0) Dec 5, 2010



fosters the self-esteem and psychological security of persons thereby creating the requirements to be open towards other ethno-cultural groups, tolerance and interethnic contacts (Berry/Laponce 1994: 293-321).

5. Unity-within-diversity: A core of common values and rules (constitution, laws, and common language) guarantees the (social) cohesion and set limits to variety, diversity, the right to cultural difference and the principle of cultural equality. The common frame clearly has priority compared to the particular cultures. Immigrants are allowed to only retain and foster those parts of their culture, which are not in contrast to the binding common core and values. Examples where attitudes might collide are the equality of women and domestic violence. The more a culture is in contrast to the core values the more it has to change. Questions about where to draw the border between unity on one hand and diversity on the other, where equality ends and where cultural particularities have to submit themselves to common values are highly disputed issues.

6. Right to equal chances: Connected to the liberal right of cultural difference is the social right to equal chances in the participation in Canadian society. Canadian multiculturalism is not limited to the cultural sphere but extends itself into a liberal-social sphere, incorporating a dual nature. There are two fundamental rights: first the right to cultural difference and diversity and second the right to equal social opportunities. The challenge and demanding goal is two folded: retain cultural diversity and get rid of social inequality based on ethnic features.

7. Management of the whole process: The multiculturalism outlined above is very unlikely to develop by its own. It needs and depends on political management as well as political encouragement and assistance.<sup>36</sup>

Most official multicultural policies (especially in Europe) never went close to define multiculturalism like in Canada, especially with regard to group rights. This can partly be explained because their objectives were directed at immigrants and not the population as a whole (Koopmans 2005: 244). However, Canadian multiculturalism does not have to be understood as an "anything goes" approach, but a concept where people with different world views live together and have the right to be different and think different, but simultaneously subject themselves to common rules, in particular mutual tolerance and respect.

The (cultural) "mosaic" is a popular metaphor for Canada's ethno-cultural framework, which is used to express important parts of the concept of multiculturalism. It describes the mix of various cultures, ethnic groups, languages and descents within the Canadian society, where each culture is a piece retaining its shape and color, but contributes to the mosaic. Another less used metaphor is "salad bowl" or "tossed salad", where you can still see the individual parts.

After the first use by John Murray Gibbon (in: "Canadian Mosaic: The Making of a Northern Nation" 1938) John Porter finally established the term with his sociological study "Vertical Mosaic: An

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<sup>36</sup> [http://www.bpb.de/publikationen/XPXZV2,0,0,Multikulturalismus\\_in\\_Kanada\\_Modell\\_f%FCr\\_Deutschland.html#art0](http://www.bpb.de/publikationen/XPXZV2,0,0,Multikulturalismus_in_Kanada_Modell_f%FCr_Deutschland.html#art0)  
Dec 5, 2010

Analysis of Social Class and Power in Canada” (Porter 1965). It clearly had an influence on multiculturalism policy, which began to develop during this time. Furthermore the concept of a cultural mosaic is designed as an antipode to concepts like the melting pot in the USA (different immigrant cultures amalgamate, but leave their traces), through which Canada tries to clearly distinguish itself from its prominent neighbor.

Nevertheless, this flowery term is far from undisputed. According to White, Canada is “[...] a country of two and only two public or official languages and cultures; a dual melting pot, or perhaps a double-boiler, but not a mosaic.” (White 1992: 6). Moreover the relation between the two dominant groups, Anglo-Canadians and French-Canadians, remains problematic and still awaits a solution (Lenz 1996: 240 in Treibel 2003: 64). Other criticism about the phrase is that it is predominantly an imagined concept being out of proportion with reality. Some say that the mosaic metaphor, as well as multicultural policies, encourages immigrants, their descendants and communities to remain separated and segregated and impede their self-understanding as Canadians.

Before far reaching changes took place the discourse and cultural pattern in Canadian society and identity clearly was Anglo-Dominance and Anglo-Conformity, which means the total assimilation and amalgamation of immigrants and immigrant groups into the dominant British-Canadian culture and society. The concept of Anglo-Conformity expected every immigrant to completely abolish its culture of origin in favor of the values and behavior of the Anglo-Saxon core group (Gordon 1964: 85 in Treibel 2003: 50). It was demanded that immigrants from non-British descent would fully assimilate in areas like culture, values, institutions as well as language acquisition. Quick assimilation into society was of utmost importance. Cultural heterogeneity, pluralism and different ethnic origins had no place in the national identity, but were perceived as menacing national interests as well as Canada’s national unity, society and character. Recent immigrants were not perceived as a cultural enrichment, but seen more or less, depending on their region of origin, as a threat. In the 1920s a discourse change from Anglo-Dominance to Anglo-Conformity took place, which meant an ongoing dominance of British culture in public, but a tolerance of other languages and cultures as long as they were kept in private. After the Second World War things started to change and Anglo-Conformity as a main discourse came to an end. Important for this developments, which subsequently also led to the introduction of multiculturalism, had been the decline of immigrants from Europe, Canada’s main source area, at the time of the economic miracle forcing Canada to look for other possibilities to satisfy its need for manpower, the conflict between Anglo- and French-Canadians and the demands of the “third force” for recognition. However, all this developments have been dealt with in detail in Chapter 3.2.1 of this diploma thesis.

It also makes clear that the official introduction of multiculturalism was not only the introduction of a new government policy, but a turning point where Canada departed from its British dominated character, which admitted French parts. Not only that all immigration restrictions based on cultural, ethnic and religious features had been dismissed, but in general the attitude towards immigration and integration started to modify when multiculturalism found access to political and societal discourses. Canada and its society started to reject the expectation that full assimilation into the main society and abandonment of the own ethnic identity, heritage culture, languages and other cultural features has to be the consequence of immigration. However, as can be seen above, not only discourses in society shifted over time, also multiculturalism developed from a rather folkloristic focus on the promotion of cultural and linguistic heritage from European descent people to a focus on anti-racism, equality, participation, equal opportunities, citizen rights and the removal of cultural and social barriers. Multiculturalism is an outcome of political, societal and cultural discourse dynamics and vice versa.

However, the retreat from the kind of overt, legally and officially sanctioned racism in immigration regulations, Anglo-Dominance and Anglo-Conformity, which have previously dominated Canadian civic culture and identity, does not mean that racism does not exist anymore. In contrary, it is important to stress that despite multiculturalism racism in its modern variations remains a fact of Canadian life even though the expressions of racism today widely differ from the forms in the past. Even if it is less obvious it is no less pernicious (Troper 1999: 6-7).

Nevertheless, multiculturalism clearly did and does not go uncriticized or undisputed in Canada. Similar to most other Western countries the political right fears cultural and societal decay, ethnicizing, tribalization and “balkanization” of the society, social closure and lack of social contacts of immigrants due to strong identification with own ethnic groups as well as the erosion of Western and European culture through moral relativism. Parts of the political left criticize that the concept of multiculturalism detracts from the actual problems and difficulties, which ethnic minorities experience in everyday life, through its rhetoric, folkloristic and feel-good atmosphere and is aimed to catch votes from ethnic minorities. However, political elites seem to accept the principles of multiculturalism and do not want to alienate (ethnic) voters.

Groups uttering concerns are the Québécois and First Nations, who have fears that multiculturalism reduces them to being just one ethnic group amongst several. Despite the existing bilingualism French Canadians fear to lose their rights as founding nations and indigenous nations are concerned about losing the status of “citizens plus” (Frideres 1998: 290). Furthermore French Canadians fear that recent immigrants are more apt to adopt themselves to the Anglo-Canadian way of life and use English as their official language of choice, which weakens the proportion of the two groups to each other. Since the province of Québec is partly entitled to their own immigration program and regulations, federal multiculturalism policy is sometimes perceived as intruding into the provinces’ affairs. The policy of immigration in Québec is more oriented towards promoting

interculturalism and putting emphasis on immigrants integrating themselves into the French-speaking society and majority.<sup>37</sup>

Other objections and argumentations are that multiculturalism works far better in theory than in practice. Concerns are uttered that many cultural practices are not compatible with Canadian culture and that Canadian culture and symbols are being discarded to accommodate immigrants coming from other cultures. Some people fear that multiculturalism does not unite but rather divide Canadians through constantly reminding them about their differences. Instead of the felt divisiveness of multiculturalist policies through promoting cultural and ethnic diversity it is argued that common things should be pointed out more and that every Canadian citizen has to see itself as Canadian first. There is concern that encouragement and promotion of ethnic and cultural differences through multiculturalism policy are impediments separating immigrants from Canadian mainstream culture and limiting them to their own ethno-cultural groups therefore encouraging an inward-focused mentality. However, looking at the attitudes to multiculturalism and immigration in general most Canadians, especially English-speaking ones, seem to be supporting and approving. Data from several public opinion surveys and polls conducted in the last years at least indicate that acceptance of multiculturalism, diversity and immigration is high and partly rising in Canada.

A survey conducted by the Centre for Research and Information on Canada (CRIC) in 2003 shows that 54% of those who participated in the survey stated that multiculturalism made them feel very proud to be Canadian, having this percentage rising up to 66% among people between 18 and 30. Interesting is that the approval of multiculturalism does not seem to have been gone down in the aftermath of 9/11. According to a CRIC survey from 2005 two-thirds of Canadians think that multiculturalism is rather guarding against extremism than leading to it.<sup>38</sup> In representative surveys conducted throughout the 1990s it is shown that also back then a sound majority of 60 to 70% of Canadians supported multiculturalism.<sup>39</sup> Gallup polls have indicated that between 1975 and 2001, with the sole exception of 1982, the majority supports either to maintain or increase Canada's emphasis on immigration. For example in 2001 47% of people in Ontario approved of the quite high immigration levels, 15% spoke out in favor of an increase and 37% wanted a reduction in immigration levels. Whereas end of 2005 22% of Canadians wished to increase current levels, 19% to decrease and about 58% to remain the same, which shows again that a majority of Canadians is content with the immigration levels as they are.<sup>40</sup> These polls might indicate that immigration and multiculturalism are accepted by a huge percentage of Canadians and constitute a

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<sup>37</sup> More information about immigration to Québec and core values can be found at <http://www.immigration-quebec.gouv.qc.ca/en/choose-quebec/common-values/index.html> Mar 5, 2010

<sup>38</sup> <http://www2.parl.gc.ca/Content/LOP/ResearchPublications/936-e.htm> Aug 8, 2010

<sup>39</sup> Fleras/Kunz 1998: 22 in

[http://www.bpb.de/publikationen/XPXZV2,5,0,Multikulturalismus\\_in\\_Kanada\\_Modell\\_f%FCr\\_Deutschland.html#art5](http://www.bpb.de/publikationen/XPXZV2,5,0,Multikulturalismus_in_Kanada_Modell_f%FCr_Deutschland.html#art5) Dec 5, 2010

<sup>40</sup> <http://www.gallup.com/poll/21592/canadians-more-positive-about-immigration-than-americans-britons.aspx> Dec 4, 2010

part of their identity. Canadians are recognizing, in principle if not always in practice, that diversity is a fact of Canadian life.

Having a look on public perceptions in Austria shows a somewhat different picture, even though comparisons in this regard are difficult due to lack of a uniform and comparable data basis. Only 46% of the population agreed to the statement that people of different ethnic origins than the rest of the population living in Austria enrich the Austrian culture (Special Eurobarometer 263 2007: 9). Furthermore with regard to the multicultural and multiethnic situation in Austria 43% of Austrians described the relations between people with different cultural and religious background or nationalities as “good“, whereas 53% assess them as “bad“ compared to the European average of 48% “good“ and 45% “bad“ (Eurobarometer 70, National Report Austria 2008: 10). However, according to statistics the strong negative attitude to the presence of foreigners and “foreign culture” has ceased in a remarkable manner between 1992 and 2001 (1992: 32%, 1998: 25%, 2001: 11%) (Lebhart 2004: 86).

95% of Austrians still define themselves through their nationality in the first place, nevertheless 78% of Austrians already feel as Europeans too (Eurobarometer 71, National Report Austria 2009: 6). To be born in Austria (45%), to know German (45%) and a common cultural tradition (39%) are seen as the most important factors for feeling and describing oneself as Austrian. To feel European Austrians think to be born in Europe (45%) or sharing a common European cultural tradition (43%) is necessary (Eurobarometer 71, National Report Austria 2009: 12). Immigration and related matters generally have a high priority for Austrians (17% answered immigration is one of the two most important issues Austria is facing at the moment, compared to 9% in the European average). Austrians clearly favor that decisions and actions should be made by the Austrian government (58%) than jointly within the European Union (40%) (Eurobarometer 72 Full Report 2010: 224). However, 31% (plus 5% compared to Eurobarometer 71) of Austrians compared to 24% of other Europeans would like to see the EU to focus on immigration issues in the coming years (Eurobarometer 72, National Report Austria 2010: 54). Nevertheless, approval rates and attitudes towards immigration and multiculturalism are also influenced by other factors, for example the fear to lose one’s job, the housing market, the social welfare system or other outcomes and effects of immigration.

## 4.4 Conclusions

After elucidating nation state concepts and national identity, citizenship and multiculturalism as core discourses in the field of immigration I now want to give some conclusions on what could give valuable input for Austria.

With regard to nation state concepts and national identity, citizenship and multiculturalism one has to stress that Canada and Austria developed in its own historical, political and societal settings. Therefore taking Canada as an example and making recommendations is difficult and approaches are not readily transferable. However, all three discourses evolve around different dimensions of identity whether it is the identity as a state or a cultural nation, national, societal or ethnic identity, identity as a homogenous or heterogenic entity, self-understanding and self-perceptions.

Compared to Canada's weaker sense of national identity Austria has a more ethno-culturally based approach to national identity and nationhood. Even though Canada might not have a strong, grown national identity there are certain values and a self-understanding of the people as Canadians. However, it was subject to considerable change over time and has developed from a national self understanding as a white, Anglo-Saxon country throughout a major part of its history to the identity it has today.

Despite Austria's history with national identity, immigration or movements of population (people from other parts of the monarchy, loss or gains of territory) as shown above, the common cultural identity had always been more distinctive. Through immigration of people who are clearly distinct and different in terms of culture, religion and other factors, national, ethnic and cultural identities increasingly came under pressure. Contention or even conflict in society and in the political sphere around the topics of immigration and ethno-cultural diversity has been higher than in Canada. There is a lack of acceptance of immigration of parts of the native population and fears of the imminent loss of the perceived cultural homogeneity and identity.

But clearly, Austria became an immigration country (again), even if not voluntary but de facto with a high percentage of people who possess differing features, different origins and groups of belonging. One of the core points in my opinion is that the self-perception and self-understanding of Austria does not necessarily keeps abreast with this fact. In comparison to Canada Austria has a lack of a realistic self-image as a de-facto immigration country. This impedes the incorporation of "foreigners" into the allegedly cultural homogenous society. The term "Ausländer" (foreigner) and its implications in contrast to the term immigrant alone would deserve special attention since it characterizes a specific relation between immigrants and the receiving nation state and society as well as has important implications for the (self-) definitions of immigrants. Austria does not necessarily have to take the Canadian approach as an example, but it is necessary to face and accept its societal reality.

Furthermore, a good part of the success or failure of immigration is determined not only through immigration policy, selection systems and clear cut expectations but through the answer to the challenge to offer an identity to immigrants, which might be a harder task for Austria with its grown national and cultural identity patterns. I clearly see difficulties with being capable to offer an identity to immigrants, which is a precondition to successfully integrate people.

Through the “unity-in-diversity” approach Canada does not only lower the integration or even assimilation pressure but allow people to have two identities, therefore feel Canadian and if wished retain their original identity. Providing immigrants with an identity and sentiments of belonging might lead to less identity issues and impede prolonged identification with the group of origin. People who are expected to fully integrate but might never be 100% accepted (or are seen as the well-integrated model immigrant instead of an equal among equals) are potentially more likely to identify with their communities, norms, values and lifestyles as well as hold on to transplanted homeland affairs. The all present question “Where do you come from?” which people get no matter how long they live in the country, or their children in the variation of “Where do you originally come from?” or “Where is your name from?” is counterproductive. A shift towards accepting the persons self-understanding as a citizen as well as member of the nation and society as the main parameter is necessary, not how it copes with images of the own national, ethnic and cultural homogeneity and identity.

Closely related to the topic of (national) identity and nation state concepts is the conception of citizenship where processes, politics, accessibility of citizenship and conditions of citizenship acquisition differ between the two countries. Whether to grant citizenship after a relatively short time-span like Canada or after a longer time based on the condition that applicants fulfill a set of criteria and had to “prove” themselves is in the discretion of the respective country. I would not assess either approach as justifiable or negative. However, given a careful selection of immigrants as a precondition it might have positive consequences to perceive immigrants as future citizens and facilitate naturalization. Moreover, through citizenship immigrants are not solely offered a passport but also an identity as well as societal and political participation (e.g. the right to vote). Dual citizenship or the renunciation of the previous citizenship is also a matter of identity or more specifically a question if a country can officially accept that people might have more than a singular identity. Austria strongly limits the possibility for dual citizenship for applicants and for Austrians (Austrian citizens who naturalize in another country have to renounce their Austrian citizenship). Even though the requirement to give up one’s former nationality can present a barrier for naturalization on the side of the applicant nobody is forced to be naturalized, especially if they have permanent resident status. The application for citizenship is a conscious step of a free person. However, citizenship helps people to perceive themselves as nationals of their new homeland and dual citizenship, where the new citizenship of the new home country adds to the original citizenship (and therefore ideal-typically adds a second identity) might help to facilitate the

process of incorporation and not impede it. To accept the possibility of dual citizenship (linked to a dual identity), like Canadians are doing, might be worthwhile.

Considering *jus soli* and *jus sanguinis* conceptions of citizenship the historical context of both countries is especially important. However, the current situation in Austria is not satisfactory compared to the Canadian. Children of people with a foreign nationality, who are born in Austria, grow up here and often still retain the citizenship of their parents (at least for some time). But if these children do not identify themselves as Austrians the public is concerned. It is one thing to make it more difficult for immigrants to get citizenship, but for the second generation a *jus soli* acquisition like in Canada or a more facilitated and cheaper acquisition is crucial for identification with Austria and to foster a smoother integration. As long as people possess a foreign citizenship they cannot be incorporated into the host society and are more likely to cling to their existing identities.

Last but not least the question remains if Canada's multiculturalism policy can serve as an example for Austria to face the challenges of dealing with a more culturally and ethnically diverse population and increasing heterogenization.

The concept of multiculturalism and multicultural integration with its dualistic principle "unity-in-diversity" might be better suited to form the relationships between ethnic groups in Canada's multiethnic society than monocultural assimilation ideas. The denial of the own culture, religion and origins is not demanded. It is possible to feel according to the own origin and Canadian too. The formula "unity-in-diversity" accommodates both: the possible wants of minorities to difference as well as the claims of the majority for due respect of their core values and basic rules. It is a try to balance the interests of both majority and minorities. A society founded on diversity has to value diversity itself to stay together and make it work.

Multiculturalism policies have various shortcomings and discussion is justified (in detail in Chapter 4). However, it seems to lead to a kind of paradox, because through the lack of expectation that immigrants have to choose between preserving their cultural heritage and participating in Canadian society, multiculturalism could encourage integration of immigrants and not impede it. Through accepting and encouraging the culture of origin and of other differences it might have the effect of actually diminishing diversity and successfully integrate immigrants into Canadian society.

Nevertheless, one should be cautious when looking at, evaluating and judging the Canadian situation or taking Canada as a role model for multiculturalism (which is an often cited argument) since it is relatively easy to establish a cozy rhetoric about multiculturalism and to fulfill it in special areas (e.g. the public service) than full acceptance of diversity, equal opportunity and other main points of multiculturalism. Multiculturalism in Canada should not be idealized because philosophy and reality of multiculturalism are not always in accord with each other and much confusion comes from the application of the term multiculturalism to a wide range of goals, situations, practices as well as expectations. The normative rhetoric of how societies see themselves is not necessarily to



be perceived as the true description of reality as well as policy goals and empirical results of policies might diverge. Even if the aim is to be politically correct, inclusive, non-racist and multicultural the question, which would have been to further deal with, is if underlying power relations can occasionally still be white supremacist and correlated with Anglo-Saxon conformity. To see the idea of a multicultural society as a tension-free way of living together with different cultures is unrealistic and the question remains if the sponsoring of a plethora of particularistic identities is always beneficial.

Moreover, multiculturalism in Canada historically has developed in a very specific setting. Canada had to face the challenge of how to deal with being bi-cultural and having European minorities as a third group as well as increased ethnic and cultural heterogeneity after abolishing racist entrance barriers. Keeping that in mind, one might also see the introduction of multiculturalism as a concession that it was not possible to enforce Anglo-Saxon homogeneity and identity.

Due to this specific historical, social-structural, cultural and political context multiculturalism is not transferable to Austrian reality. It cannot be separated from its context and transplanted to another context in a different country. It has to be stressed that social 'reality' is not an infinitely plastic artifact and the efficacy of policy depends on its compatibility with the nature of the social reality it is designed to modify (Carmon 1996: 228). Nevertheless, much discussion is going on lately about how to successfully integrate immigrants living in Austria into Austrian society. Contrary to Canada, where immigrants come from a large number of countries of origin, people with migratory backgrounds in Austria are mainly originating from Turkey or the former Yugoslavia. However, also the Austrian population is increasingly diverse and Austria needs to find a way to deal with its immigrant population (as well as those already possessing Austrian citizenship) according to its own identity, which could include a modification of the very same. There is an awareness of existing problems and Austria has to face its societal reality and question the prejudices, stereotypes, problem definitions and discourses prevailing in society. Besides the structural and economical adjustment it is necessary to strengthen the social and cultural integration. This is especially important to prevent disorientation or re-orientation (e.g. reversion to the own culture or religion). A necessary reinterpretation of national identity could also stress differences that exist within a supposedly homogeneous society and take historical developments into account. Left aside claims of certain political parties explicit assimilation is not demanded anymore, but undertones of expected assimilation prevail. Even though assimilation claims are no solution for the current situation, a demand for a certain acculturation, the acceptance of foreigners of the way the receiving society lives and the wish that immigrants incorporate many parts of this way into their own personal lives is understandable. It has to be emphasized that the inclusion of new groups into a society generally is not a smooth process, takes time and is heavily influenced by existing discourses as well as triggering a structural change, sometimes even a transformation, in the receiving society. Austria will have to make its own way and find its own solutions.

## 5. Concluding Remarks

Immigration is heavily influenced by discourses about nation state concepts, national identity, citizenship and multiculturalism. It had been elucidated in this thesis that the elements and reactions countries use to face the situation, to regulate immigration and further incorporate immigrants are drawn from these core discourses. Answers to the challenge of immigration are therefore less the product of conscious reasoning or economically sound calculations, but are rather based on existing discourses shaping ideas and perceptions. Decisions made relating to immigration are always made in the setting of the own national discourses, which significantly limits the options between different courses of action and alternatives. These existing patterns impede the task to find clear cut and consistent positions on central issues of immigration policy and to define an official immigration policy. It also hinders the transition from a more or less reactive course of action to an actively shaped and proactive immigration policy. However, existing discourses are constantly challenged and changing, especially through immigration and resulting ethnic, cultural and religious diversification of the population.

That countries draw from pre-existing experiences holds true for Canada and Austria. Because of the different historical, national and societal developments and discourses I would be cautious to see Canada as a role model and example of how to deal with immigration. Nevertheless, as shown above, the Canadian approach to immigration has its strong sides, which could offer suggestions and in parts serve as an example for the Austrian approach to immigration.

I sincerely hope that in this thesis I could shed some light on this wide ranging subject. The occupation with immigration and related topics will (hopefully) accompany me in the future. Certainly it will continue to be a point of interest affecting people all over the world. To find solutions for problems arising in this field is a huge task for contemporary and future society.

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# Appendix

Point System for Skilled Worker Class, 2008<sup>41</sup>

<b>Education</b>	<b>Maximum 25 points</b>
You have a master's degree or PhD and at least 17 years of full-time or full-time equivalent study.	25 points
You have two or more university degrees at the bachelor's level and at least 15 years of full-time or full-time equivalent study.	22 points
You have a three-year diploma, trade certificate or apprenticeship and at least 15 years of full-time or full-time equivalent study.	22 points
You have a university degree of two years or more at the bachelor's level and at least 14 years of full-time or full-time equivalent study.	20 points
You have a two-year diploma, trade certificate or apprenticeship and at least 14 years of full-time or full-time equivalent study.	20 points
You have a one-year university degree at the bachelor's level and at least 13 years of full-time or full-time equivalent study.	15 points
You have a one-year diploma, trade certificate or apprenticeship and at least 13 years of full-time or full-time equivalent study.	15 points
You have a one-year diploma, trade certificate or apprenticeship and at least 12 years of full-time or full-time equivalent study.	12 points
You completed high school.	5 points

<b>First Official Language</b>				
	<b>Speaking</b>	<b>Listening</b>	<b>Reading</b>	<b>Writing</b>
High proficiency	4	4	4	4
Moderate proficiency	2	2	2	2
Basic proficiency	1	1	1	1
Please Note: You can score a maximum of only two points in total for basic-level proficiency.				
No proficiency	0	0	0	0
<b>Second Official Language</b>				
	<b>Speaking</b>	<b>Listening</b>	<b>Reading</b>	<b>Writing</b>
High proficiency	2	2	2	2
Moderate proficiency	2	2	2	2
Basic proficiency	1	1	1	1
Please Note: You can score a maximum of only two points in total for basic-level proficiency.				
No proficiency	0	0	0	0

<sup>41</sup> Citizenship and Immigration Canada <http://cic.gc.ca/english/immigrate/skilled/apply-factors.asp> March 9, 2010

<b>Work Experience</b>	<b>Maximum 21 points</b>
1 year	15
2 years	17
3 years	19
4 years	21

<b>Age</b>	<b>Points</b>
21–49	10
Two points less for every year over 49 or below 21	

<b>Arranged employment in Canada</b>		
<b>If</b>	<b>And</b>	<b>Points</b>
You currently work in Canada on a temporary work permit.	<p>Your work permit is valid at the time of the permanent resident visa application and at the time the visa is issued.</p> <p>And</p> <p>Your employer has made an offer to employ you on an indeterminate basis if the permanent resident visa is issued.</p>	10
You currently work in Canada in a job that is exempt from confirmation by Human Resources and Social Development Canada (HRSDC) under an international agreement or a significant benefit category (for example, an intra-company transferee).	<p>Your work permit is valid at the time of your application for a permanent resident visa and at the time the visa is issued.</p> <p>And</p> <p>Your employer has made an offer to employ you on an indeterminate basis if your permanent resident visa is issued.</p>	10
You do not currently have a work permit and you do not intend to work in Canada before you have been issued a permanent resident visa.	<p>You have a full-time job offer that has been approved by HRSDC.</p> <p>And</p> <p>Your employer has made an offer to give you a permanent job if your permanent resident visa is issued.</p> <p>And</p> <p>You meet all required Canadian licensing or regulatory standards associated with the job.</p>	10

<b>Adaptability</b>	<b>Maximum 10 points</b>
<b>Spouse or common-law partner's level of education</b> <ul style="list-style-type: none"> <li>• Secondary school (high school) diploma or less: 0 points</li> <li>• A one-year diploma, trade certificate, apprenticeship or university degree, and at least 12 years of full-time or full-time equivalent studies: 3 points</li> <li>• A two or three-year diploma, trade certificate, apprenticeship or university degree, and at least 14 years of full-time or full-time equivalent studies: 4 points</li> <li>• A master's degree or PhD and at least 17 years of full-time or full-time equivalent studies: 5 points</li> </ul>	3–5
<b>Previous work in Canada</b> You, or your accompanying spouse or common-law partner, have completed a minimum of one year of full-time work in Canada on a valid work permit.	5
<b>Previous study in Canada</b> You, or your accompanying spouse or common-law partner, have completed a program of full-time study of at least two years' duration at a post-secondary institution in Canada. You must have done this after you were 17 years old and with a valid study permit. There is no need to have obtained a degree or diploma for these two years of study to earn these points.	5
<b>Arranged Employment in Canada</b> You can claim five additional points if you have arranged employment as described in the Arranged Employment selection factor.	5
<b>Relatives in Canada</b> You, or your accompanying spouse or common-law partner, have a relative (parent, grandparent, child, grandchild, child of a parent, sibling, child of a grandparent, aunt or uncle, or grandchild of a parent, niece or nephew) who is residing in Canada and is a Canadian citizen or permanent resident.	5
<b>Total</b>	<b>Maximum 100 points</b>
<b>Pass Mark</b>	<b>67 points</b>

# Abstract

Immigration clearly is a feature of today's societies. Depending on the number of immigrants as well as the respective states and their societies it leads to discussion or contention and has a huge impact on politics, policies and societies. The aim of this diploma thesis is a comparison of immigration between Austria and Canada with the underlying research question if Canada can serve as an example for Austria in respect to immigration.

The first part of the thesis provides detailed information about immigration in general and comprehensive immigration policy in particular stressing the importance of a sound and proactive immigration policy. Further an overview of immigration history and regulations in Canada and Austria is given.

Since a country's discourses regarding immigration have a strong influence on policy formulation, in the second part of this thesis three core discourses - nation state concepts and national identity, citizenship and multiculturalism - were chosen to address the research question with a discourse analytical approach.

Due to an enormous variety of different challenges, national histories, discourses, economic and social situations requiring different policies, there is no universal design for immigration policy. Austria clearly made several steps in the last few years to form a reactive course of action into a proactive immigration policy. Even though Canada does not necessarily have to be seen as a role model and example of best practice, there are some points which might be worth considering and could be important for further steps to an actively shaped immigration policy embedded in an immigration political basic concept.

# Abstract

Immigration ist ein Merkmal nahezu aller heutigen Gesellschaften und stellt für diese eine unbedingt zu bewältigende Aufgabe dar. Das Ziel dieser Diplomarbeit ist es, Österreich und Kanada bezüglich ihrem Umgang mit Immigration zu vergleichen und das vor allem mit Hinblick auf die dieser Arbeit zugrunde liegende Forschungsfrage, ob Kanada bezüglich seiner Einwanderungspolitik beispielgebend für Österreich sein kann.

Der erste Teil dieser Diplomarbeit bietet detaillierte Informationen über Immigration im Generellen, aber auch eine umfassende Darstellung der einwanderungspolitischen Maßnahmen im Einzelnen und betont die Wichtigkeit eines stimmigen und vorausschauenden Immigrationskonzeptes. Des weiteren wird ein historischer Rückblick zum Thema Immigration in beiden Staaten gegeben und auf die jeweiligen gesellschaftlichen und politischen Entwicklungen und die daraus resultierenden Maßnahmen eingegangen.

Da vorhandene Diskurse einen großen Einfluss auf den Umgang eines Staates mit dem Bereich Immigration sowie auf politisches Handeln haben, werden im zweiten Teil drei Diskurse – Nationalstaatskonzept und nationale Identität, Staatsbürgerschaft und Multikulturalismus – ausgesucht um diese in Bezug auf die Forschungsfrage diskursanalytisch abzuhandeln.

Aufgrund der enormen Vielfalt unterschiedlicher Diskurse, Ziele, nationaler geschichtlicher Hintergründe, nationaler Auseinandersetzungen sowie wirtschaftlicher und gesellschaftlicher Gegebenheiten, welche unterschiedliche politische Lösungsansätze erfordern, gibt es kein allgemein gültiges Design für Einwanderungspolitik. Österreich hat in den letzten Jahren einige Maßnahmen gesetzt um von einer reaktiven Handlungsweise zu einer vorausschauenden, steuernden Einwanderungspolitik zu gelangen. Auch wenn Kanada hinsichtlich seines Umgangs mit Immigration nicht unbedingt ein direkt zu übernehmendes Modell für Österreich darstellt, so sind dennoch einige Aspekte interessant und bieten überlegenswerte Ansätze und Beispiele, welche für weitere Maßnahmen herangezogen werden können um zu einer Einwanderungspolitik zu gelangen, die in einem treffsicheren, gesamtpolitischen Basiskonzept eingebettet ist.

# Lebenslauf

## Persönliche Daten

Name	Katharina Kunovjanek
Geburtsdatum	16. September 1984
Geburtsort	Villach

## Ausbildung

10/2003	Inskription an der Universität Wien in der Studienrichtung Politikwissenschaft
10/2003	Matura am Bundesoberstufenrealgymnasium Klagenfurt
1990-1994	Besuch der Volksschule Ledenitzen

## Studium der Politikwissenschaft:

### Gewählte Module:

- Internationale Entwicklung, Friedens- und Konfliktforschung
- Ost- und Mitteleuropa
- Frauen- und Geschlechterforschung

## Praktika

05/2010 bis 06/2010	Volontariat an der Österreichischen Botschaft in Tokio
09/2007 bis 12/2007	Praktikum im EU-Verbindungsbüro des Landes Kärnten in Brüssel
03/2007	Praktikum in der Abteilung 1W (Staatsbürgerschaft / Wahlen) des Amtes der Kärntner Landesregierung

## Auslandsaufenthalte

01/2008 bis 04/2008	Austauschsemester an der „University of Ottawa“ / Kanada im Rahmen von Joint Study
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